



WEB COPY



WP No.33691 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP No.33691 of 2025
and WMP No.37803 of 2025

A.Balamurugan

.. Petitioner

-VS-

1. The Union Territory of Puducherry,
Rep. by the Chief Secretary,
Chief Secretariat, Puducherry 605 001.
2. The District Collector,
Office of the District Collector,
Puducherry 605 009.
3. The Member Secretary,
Puducherry Planning Authority,
Jawahar Nagar, Boomianpet,
Puducherry 605 005.
4. Chief Town Planner,
Town and Country Planning Board,
Puducherry.
5. The Commissioner,



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Oulgaret Municipality,
Puducherry 605 005.

6. The Executive Engineer,
Office of the Executive Engineer,
National Highways Division,
PWD, Puducherry.

7. The Executive Engineer,
Public Health Division,
Public Works Department,
Puducherry 605 001.

8. C.Selvaganapathi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd respondent to give opportunity to the petitioner to apply for regularization of petitioner building, i.e., Marriage Hall "Sri Siva Vishnu Mahal" situated at R.S.No.153/23A/1pt of E.C.R. Road, Barathy Nagar, Karuvadikuppam Revenue Village, Oulgaret Municipality, Puducherry as per G.O. Ms.No.12/2025-Hg dated 15.07.2025.

For Petitioner : Mr.M.Jai Kumar

For Respondents : Mr.S.Ravee Kumar
Govt. Pleader (Puducherry)
for RR 1 to 7

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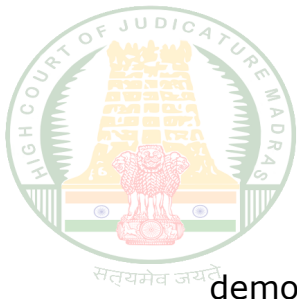
ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard.

2. This petition has been filed by the petitioner seeking issuance of writ of mandamus directing the third respondent to consider his case for regularisation under the new policy of regularisation issued on 15.07.2025.

3. Learned State counsel appearing for the official respondents would submit that the petitioner had earlier filed a writ petition aggrieved by various actions taken by the respondent authorities towards lock and seal, de-occupation and the step towards demolition, but the same was dismissed as withdrawn. It is further submitted that the petitioner has constructed the marriage hall without any building permission. Later on, a PIL was also filed wherein a statement was made before the Court that after passing of the demolition order on 20.06.2025, the illegal construction is in the process of being



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demolished. Placing on record the said statement, the PIL was disposed of. Therefore, this petition is not maintainable.

4. Lastly, it is submitted by the learned State counsel that even though the scheme was floated on 15.07.2025, it is not clear as to whether the petitioner has filed any application seeking regularisation under the Scheme.

5. Even if the earlier petition filed by the petitioner was dismissed as he has raised the construction which is without any permission and therefore, unlawful and though in PIL also, a statement was made by the State authorities that they are in the process of demolition, we find that the authorities themselves have come out with a regularisation scheme vide G.O.MsNo.12/2025-Hg, dated 15.07.2025. Therefore, in this changed circumstance, the petitioner gets a fresh cause of action. However, protection may be availed by the petitioner only if he makes an application seeking benefit of the scheme.

5.1. The G.O. was issued on 15.07.2025. In the affidavit, the petitioner has stated that as the regularisation scheme was introduced



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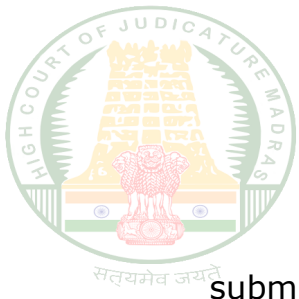
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only recently, he is taking appropriate steps to have the benefit of the scheme. The affidavit was sworn by the petitioner on 25.08.2025 and thereafter, this petition was filed on 02.09.2025.

5.2. Learned counsel for the petitioner, upon instructions, submits that even though the petitioner sought to submit an application through on-line mode, it is not being accepted. The statement is blissfully vague. When it was sought to be done is not clearly stated. Assuming that the authorities have insisted on submission of application in physical mode, we fail to understand why till date the petitioner has not submitted any such application.

6. It is well settled that discretionary relief under Article 226 of the Constitution of India can be granted only to those who are vigilant and not as premium on default. In the background of the case that the petitioner has raised illegal construction, if the petitioner has chosen not to file application seeking benefit of the regularisation scheme, no protection can be granted by this Court.

7. We leave the petitioner to approach the authorities and persuade them not to demolish his construction on any assurance of



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submitting application seeking benefit under the regularisation scheme.

Petition is, accordingly, disposed of. There shall be no order as to costs. Consequently, the interim application stands closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (G.ARUL MURUGAN, J.)
08.10.2025

Index : Yes/No
Neutral Citation : Yes/No

sra

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