



W.A.No.3561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2025

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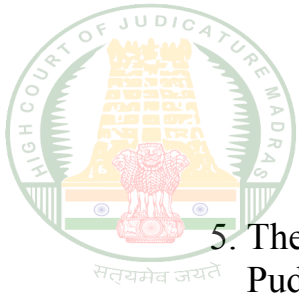
THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.No.3561 of 2024

S.Stella .. Appellant

v.

1. The Secretary to Government
(Housing and Town Planning)
Puducherry, Goubert Avenue, Beach Road
Puducherry 605 001
2. The Chief Town Planner
Puducherry Planning Authority
Puducherry 605 005
3. The Chief Town Planner
Town and Country Planning Department
Jawahar Nagar, Boomianpet
Puducherry 605 005
4. The Member Secretary
Puducherry Planning Authority
Jawahar Nagar, Boomianpet
Puducherry 605 005



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5. The Member Secretary
Puducherry Real Estate Regulatory Authority (RERA)
Office of Real Estate Regulatory Authority
Jawahar Nagar, Puducherry 605 005

6. Director of Survey and Land Records
Department of Survey and Land Records
II Floor, Revenue Complex, Kamaraj Salai
Saram, Puducherry 605 013

7. The Commissioner
Villianur Commune Panchayat
Puducherry 605 110

8. The Sub Collector
Villanur Commune Panchayat
Puducherry 605 110

9. The Sub Registrar
Villianur Registration Office
Puducherry 605 110

10. Executive Engineer – IV (O & M)
Electricity Department
Main Office Campus
No.137, NSC Bose Salai
Puducherry 605 001

11. S. Maidily

12. N. Ramani

13. P. Sattiavatty

.. Respondents

Memorandum of Grounds of Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 28.08.2024 passed in W.P.No.13787 of 2023.

For Appellant :: Mr. J. Srinivasa Mohan for



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M/s TVJ Associates

For Respondents :: Mr.R.Sreedhar
Additional Government Pleader
(Puducherry) for R1 to R10
Mr.T.Saikrishnan for R11 to R13

JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM,J.)

The intra-Court appeal has been instituted assailing the order dated 28.08.2024 in W.P.No.13787 of 2023. The writ petitioner is the appellant before this Court.

2. The grievance of the appellant is that the industrial layout approval dated 28.07.2021 was granted by the fourth respondent pursuant to the NOC issued by the seventh respondent, infringing the property right of the appellant. The appellant claims to be the owner of the adjacent land and by citing the property owned by the appellant as a road, the layout has been approved. Therefore, the layout based on an erroneous sketch is to be set aside.

3. The learned single Judge, in paragraph-8, made an observation that



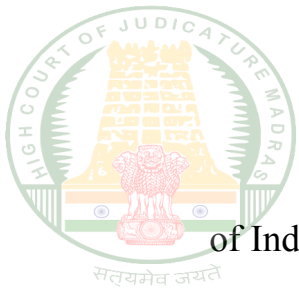
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the writ petitioner is claiming the road portion as private road. As per the report of the seventh respondent, the road mentioned in the approved industrial layout granted in favour of the respondents 11 to 13, belongs to Villianur Commune Panchayat, which is the seventh respondent.

4. This Court is of the considered opinion that the findings with reference to the civil rights in writ proceedings, would cause prejudice to the interest of the titleholders or the persons claiming right over the properties. Such exercise needs to be avoided in writ proceedings under Article 226 of the Constitution of India. It is possible that any such observations made by the writ Court would impact the civil proceedings, if any, initiated between the parties. The scope of the writ petition cannot be expanded for adjudication of disputed facts of civil nature and such an adjudication is to be done by the competent civil Court based on the documents and evidences available on record. The High Court cannot conduct a roving enquiry into the disputed facts between the parties.

5. The power of judicial review under Article 226 of the Constitution



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of India is to ensure the processes through which the decision has been taken

in consonance with the statutes and rules in force, but not the decision itself.

That being the factum, the appellant's claim regarding the property is to be adjudicated before the competent forum. Thus we do not find any infirmity in the order passed in the writ petition. By granting liberty to the appellant to approach the competent Court, the present writ appeal stands dismissed. In the event of approaching the competent civil Court, the said proceedings are to be conducted uninfluenced by any of the observations made by the writ Court or by this Court in the present order. Consequently, C.M.P.No.27632 of 2024 is also dismissed. No costs.

Index : yes

Neutral citation : yes

(S.M.S.,J.) (K.R.S.,J.)

18.02.2025

ss

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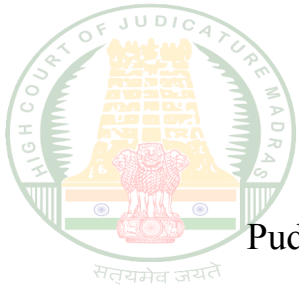
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SS

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