



WEB COPY



W.P.No.34856 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.02.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**  
**AND**  
**THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

W.P.No.34856 of 2024

- 1.A.Sarbudeen
- 2.A.Abdul Munaf
- 3.Mohamed Hameem
- 4.Mohamed Riswan

... Petitioner

*Vs.*

- 1.The Senior Town Planner,  
Town and Country Planning Department,  
Government of Puducherry,  
Puducherry.
- 2.The District Collector,  
Office of the District Collector,  
Karaikal District – 609 602.
- 3.The District Collector,  
Revenue Cum Sub-Divisional Magistrate, Karaikal,  
Office of the District Collector,  
Karaikal District – 609 602.
- 4.The Chairman,  
Karaikal Planning Authority,  
Perunthalaivar kamaraj Administrative Complex,  
Karaikal District – 609 602.



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5.The Member Secretary,  
Karaikal Planning Authority,  
Perunthalaivar Kamaraj Administrative Complex,  
Karaikal District – 609 602.

6.The Commissioner,  
Karaikal Municipality Office,  
Karaikal Municipality,  
Karaikal District – 609 602.

7.A.Abdul Rawoof

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the 5th respondent by his proceedings in No.1883/ KPA/ KM- Mvly/ 325/ 2020/ 675 dated 10.10.2024 and quashing the same and consequently direct the 5th respondent not to evict and demolish the cantilever projection taken over the western side setback of the existing two stored commercial cum residential building at R.S. No.13 pt, T.S.No.2A/22/ 1/ 1 Ward F, Block 01, Thirunaalar Road, Karaikal District by considering the petitioner representation dated 23.09.2024 to approving the revised building plan submitted by the petitioner with logical end.

For Petitioner : Mr.S.Vinoth Kumar

For Respondents : Mr.R.Sreedhar, (for R1 to 6)  
Additional Government Pleader (Puducherry)  
Mr.Jerry V.V.Sundar (for R7)



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## **ORDER**

**WEB COPY** (Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The proceedings dated 10.10.2024 issued by the Member Secretary of Karaikal District Planning Authority, Karaikal for eviction of the petitioners from the unauthorised building is under challenge in the present Writ Proceedings.

2. Learned counsel for the Writ Petitioners would submit that they are the absolute owners of the property in Ward F, Block-1, T.S.No.2A/22/1, R.S.No.13 to a extent of 3766 sq.ft situated at Thirunaalar Road, Karaikal District. They have constructed a building by obtaining building plan permission before the Karaikal Planning Authority. However, the petitioners admit that they have constructed some unauthorised portion in the said building. In respect of the unauthorised portion, an application to issue revised building plan permission was submitted. The said application is under consideration and therefore, the Writ Petition is to be considered, enabling the authorities to consider the revised building plan permission application submitted by the petitioners.

3. Learned Additional Government Pleader (Puducherry) appearing



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on behalf of the respondents would oppose by stating that, the petitioners obtained building plan approval for construction of ground floor only.

However, they have constructed first floor unauthorisedly at the initial stage, and the authorities have informed the petitioners that no such construction will be allowed. Despite that, they have further extended the balcony and deviated the building plan approval. At the outset, larger extent of the building is found to be unauthorized by the competent authority. Finally the impugned eviction notice has been issued, since the petitioners were going on violating the building plan and continued his action of construction of unauthorised building.

4. The impugned order reveals the facts about the attitude of the petitioners and failure to abide by law. Despite the action initiated by the Karaikal Planning Authority, the petitioners continued to commit illegality. Finally the impugned eviction notice was issued. This Court do not find any force in the contentions raised on behalf of the petitioners, since the petitioners themselves admitted that there is an unauthorised construction to a smaller extent.

5. Learned counsel for the petitioners would further submit that an application seeking revised building plan permission is pending. However, the



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Additional Government Pleader (Puducherry) would submit that there is no provision under the Pondicherry Town and Country Planning Act to approve the revised building plan permission or for compounding the illegality already committed by the petitioners in violation of the provisions of the Act.

6. In view of the facts and circumstances, the 5<sup>th</sup> respondent is directed to ascertain the unauthorised portion of the subject building, as stated in the order impugned dated 10.10.2024 and demolish the same by evicting the petitioners from the said premises within a period of 8 weeks from the date of receipt of a copy of this order. The Superintendent of Police, Karaikal District is directed to provide adequate police protection to the 5th respondent for the purpose of eviction and to demolish the unauthorised portion of the subject building as stated in the order impugned dated 10.10.2024.

7. With the above directions, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petitions, if any, are closed. No costs.

[S.M.S., J.] [K.R.S., J.]  
05.02.2025

Index: Yes/No  
Speaking/Non-speaking order  
*gd*



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**S.M.SUBRAMANIAM, J.**  
**AND**  
**K.RAJASEKAR, J.**

*gd*

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