



WEB COPY

WP No. 34344 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-06-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**WP No. 34344 of 2024
and W.M.P.No.37215 of 2024**

1. K.Vedanayagam
S/o.Kalyanasundaram, No.1, Zamindar
Garden, Puducherry- 605 001.

Petitioner(s)

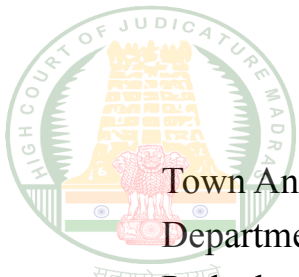
Vs

1. Union Territory Of Puducherry
Rep By Its Chief Secretary To
Government, Puducherry.

2.The Member Secretary
Puducherry Planning Authority,
Jawahar Nagar, Boomianpet,
Puducherry

3.The Deputy Commissioner - Cum-
Deputy Collector (excise), Revenue
Department, Puducherry

4.The Chief Town Planner
Town And Country Planning Board,



Town And Country Planning
Department, Government Of
Puducherry, Jawahar Nagar,
Bommianpet, Puducherry

5.The Commissioner
Puducherry Municipality, Puducherry

6.The Pondicherry Co- Operative
Wholesale Stores Limited
Rep By Its Managing Director,
No.288, Amudha Surabi Building,
M.G.Road, Puducherry

7.M.Ramesh Goupta
S/o.U.Madhavan, M/s. Vasavi
Residenczy, No.133, 135, 137,
Sardar Vallabai Patel Street,
Puducherry-605 001.

Respondent(s)

PRAYER

Directing the respondents 1 to 5 herein to initiate appropriate action against the 7th respondent herein and remove the Elite Liquor Shop run by the 6th respondent herein in the stilt floor of M/s. Vasavi Residenczy situated at No.133, 135, 137, sardar vallabai patel Street, puducherry- 605 001 which was illegally and unauthorisedly constructed by converting the area reserved for parking space into a commercial shop.

For Petitioner(s): Mr. S.Prem Auxilian Raj

For Respondent(s): Mr. V.Vasanthakumar
Additional Government Pleader
(Pondy) for R1 To R6
M/s. Gopika Nambiar For R7

**ORDER****(Order of the Court was made by J.NISHA BANU, J.)**

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The present Writ Petition is filed for the issuance of a Writ of Mandamus directing the respondents 1 to 5 herein to initiate appropriate action against the 7th respondent herein and remove the Elite Liquor Shop run by the 6th respondent herein in the stilt floor of M/s. Vasavi Residency situated at No.133, 135, 137, Sardar Vallabai Patel Street, Puducherry- 605 001, which was illegally and unauthorisedly constructed by converting the area reserved for parking space into a commercial shop.

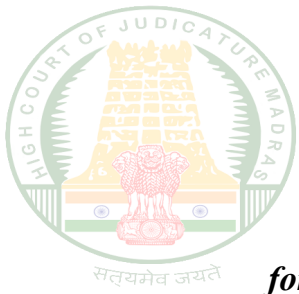
2. This Court, by order dated 13.03.2025, directed the respondents 1 to 5 to initiate all appropriate actions to remove the unauthorized constructions within a period of three weeks. Challenging the same, the 7th respondent filed S.LP.No.8867-8868/2025 before the Hon'ble Supreme Court and the Hon'ble Supreme Court by order dated 01.04.2025 passed the following order:-

“1. We are not inclined to interfere with the impugned judgment (s) and order(s) of the High Court. However, the special leave petitions stand disposed of with the following directions:

(i) By 3rd April, 2025, the petitioner shall stop carrying on liquor business from the subject premises.

(ii) If the petitioner complies with the aforesaid direction, the respondents shall not take any action against the petitioner till his pending appeal is decided.

(iii) The pending appeal shall be decided within a month from date, positively.



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2. The writ petition before the High Court may stand over for five weeks from date.

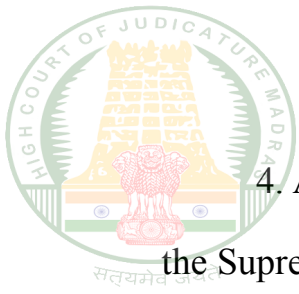
3. Pending application (s), if any, stand closed.”

3. Today when the matter is taken up for hearing, the learned Additional Government Pleader (Pondy) produced a letter addressed to the Government Pleader (Puducherry) dated 20.06.2025 stating that the 7th respondent has raised the height of the building more than the permissible height and not provided any parking space and hence, the Board of Puducherry Planning Authority decided to direct the 7th respondent to restore the building as per the approved building plan. The relevant paragraph of the letter reads as follows:-

“6. Subsequently, the matter was taken up by the Puducherry Town and Country Planning Board as per the directions of the Hon'ble Supreme Court of India in its meeting held on 07.04.2025 and decided as follows:-

“As directed by the Supreme Court of India: “the appellant has raised the height of the building more than the permissible height and not provided any parking space which are clear violation against the Puducherry Building Bye Law 2012 notified under Sec 47 of the Puducherry Town and Country Planning Act 1969. Hence, the Board decided to direct the appellant to restore the building as per the approved building plan within 12 weeks from the date of receiving the decision of the Board.”.

3. The learned counsel for the 7th respondent submits as per the direction of the Hon'ble Supreme Court, the liquor shop has been removed.



4. As far as the prayer sought for in this Writ Petition and the direction of the Supreme Court passed in SLP.No.8867-8868 dated 01.04.2025 is concerned, the letter of the Member Secretary, Puducherry Planning Authority, Puducherry, dated 20.06.2025, produced before this court, would go to show that the Liquor shop has been vacated. In para 5 of the said communication, it is stated as under:-

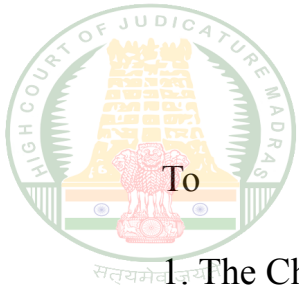
“ 05. In compliance to the directions of Supreme Court of India, the Liquor shop has been vacated.....”

5. Insofar as the other violations pointed out by the Puducherry Planning Authority, the Puducherry Town and Country Planning Board directed the 7th respondent to restore the building as per the approved building plan within 12 weeks from the date of receiving the decision of the Board. Therefore, the 2nd respondent is directed to follow up and ensure that the 7th respondent has restored the building as per the approved plan and if the deviation has not been rectified within the time stipulated, the 2nd respondent shall take necessary enforcement action in accordance with law.

6. The writ petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
20-06-2025

ASI/nvsri



To

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