



W.P. No.43393 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM

THE HON'BLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P. No.43393 of 2025

and

W.M.P.No.48571 of 2025

Tmt.T.Nirmala Thomas

...Petitioner

Vs.

1.The Secretary,
Housing and Town Planning Department,
Government of Puducherry,
Chief Secretariat,
Puducherry – 605 001.

2.The Member Secretary,
The Puducherry Planning Authority,
Jawahar Nagar,
Boomiyanpet,
Puducherry – 605 005.

...Respondents



W.P. No.43575 of 2025

Prayer : This writ petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for concerned records relating to the impugned rejection order dated 09.12.2024 vide Letter No.514/PPA/Z(ACP)/2024/3428 passed by the 2nd respondent and to quash the same and consequently direct the 2nd respondent to grant building plan approval for alteration in the ground floor and additional construction of first floor to existing residential building at R.S.Nos.157/1 & 157/2, situated at Kakayanthopu, Ariyankuppam Revenue Village, Ariyankuppam Commune Panchayat, Puducherry.

For Petitioner(s) : Ms.R.Kalaiyarasi

For Respondent(s) : Mr.V.Vasanthakumar

Additional Government Pleader (Puducherry)

O R D E R

Heard Ms.R.Kalaiyarasi, learned counsel for the petitioner and Mr.Vasanthakumar, learned Additional Government Pleader, for the respondents.

2. The following facts are not in dispute:



W.P. No.43575 of 2023

The petitioner, Mrs.T.Nirmala Thomas, had initially purchased an extent of 24,560 sq.ft of land by way of two registered Sale Deeds. She purchased 17,216 sq.ft on 10.07.2006, and subsequently, she acquired 7,344 sq.ft by way of another registered sale on 05.11.2009. After having purchased the property and taken possession of the land, the petitioner also put up a construction over the same and has been residing therein.

In the year 2021, she sold an extent of 5,317.50 sq.ft in favour of one, Tmt.Saraswathy, and another extent of 5,246 sq.ft in favour of one, Tmt.Dhatchayani. The petitioner states that she intended to alter her existing structure, and applied to the Town Planning Authority for approval. The Town Planning Authority rejected the application filed by her via the impugned order, stating that ***“The proposed site forms Unauthorized Sub-division of land after 31.01.2017”***.

3. Challenging the same, the present writ petition.



W.P. No.43575 of 2025

4. When the matter came up for admission, the respondents were represented by Mr.Tamilvanan, who stated that as the petitioner had sold the land after the Notification of G.O.Ms.No.20/2017-Hg., Puducherry, dated 20.10.2017, the petitioner's application is not eligible to be considered.

5. This Court took note of the fact that the petitioner's purchase was on 10.07.2006 and 05.11.2009, much before the Notification of the Government Order in the year 2017. Mr.Tamilvanan sought time for getting instructions. To enable him to do so, I listed the matter today.

6. When I took up the matter today, Mr.Vasanthakumar urged on the basis of the counter, that the petitioner is not entitled to have the building plan approval, because she had sub-divided her property unauthorizedly, after 31.01.2017. In other words, it is Mr.Vasanthakumar's argument that the Government Order applies even for constructions, which have been made prior to the cut-off date.



W.P. No.43575 of 2025

WEB COPY

7. I have carefully gone through the Government Order. Being an executive exercise, it cannot be given a retrospective operation. Apart from that, the petitioner herein has sought for alteration of her existing building, and not for permission to regularise the layout already made by her. The respondent's counter pleads that no access is available to Tmt.Saraswathy's plot and therefore, the building plan has not been considered. It is not the job of the Town Planning authorities to don on themselves the role of a Civil Court and decide to grant road way or access to a private property, who has not even opposed the building approval of the petitioner.

8. More fundamentally, the application is for alteration of the existing building. The counter does not reveal whether the existing building is an unauthorized one or an illegal one. When the respondents have permitted the petitioner to put up a construction much before 2017, their attempt to apply the Government Order, which applies for regularization of layouts to deny the right to modify an existing building, is absolutely



W.P. No.43575 of 2025

perverse. This only shows the crooked manner in which the respondents want to deny the right of the petitioner to develop her property. To apply a Government Order passed for regularizing layouts, and deny the right to alter an existing building also reflects patent non-application of mind. The impugned order cries out to be quashed; accordingly it is quashed.

9. The building plan submitted by the petitioner to the respondents on 29.08.2024 stands restored to the file of the Puducherry Planning Authority. The Planning Authority shall apply the concerned Building Rules and deal with the application, and shall not attempt to give retrospective effect to the Government Order issued in October 2017, to a purchase made in the years 2006 and 2009.

10. The writ petition is allowed with costs. Consequently, connected miscellaneous petition is closed.



W.P. No.43575 of 2025

11. Cost memo to be filed within one week.

WEB COPY

20.11.2025

Index : Yes/No

Internet: Yest/No

Speaking or Non-speaking order

kak

To

1.The Secretary,
Housing and Town Planning Department,
Government of Puducherry,
Chief Secretariat,
Puducherry – 605 001.

2.The Member Secretary,
The Puducherry Planning Authority,
Jawahar Nagar,
Boomianpet,
Puducherry – 605 005.



WEB COPY



W.P. No.43393 of 2025

V.LAKSHMINARAYANAN, J.

kak

W.P. No.43393 of 2025



WEB COPY



W.P. No.43575 of 2025

Dated : 20.11.2025