



WEB COPY

WP No. 6657 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

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THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 6657 of 2011

G.Vijaya,

W/o.V.Goindan, 43, Goubert School Street,

Vazhakulam, Pondicherry-605 012.

..Petitioner(s)

Vs.

1. The Commissioner,

Pondicherry Municipality, Puducherry.

2. The Revenue Officer-ii,

Pondicherry Municipality, Puducherry.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, to call for the records relating to the impugned order of the 1st respondent in No.pu.na/va.a/2/a.1/2010, dated 08.02.2011 and consequential order of the 2nd Respondent in No. 337/pu.na/va.a.2/u.va.aa/2013 dated 25.03.2013 and quash the same as highly illegal. (Prayer amended, vide Order dated 20.01.2026 made in WMP.25449/2019 IN WP.6657/2011).

For Petitioner(s):

Mr.K.S.Ilango for M/s.Achari And Antoni

For Respondent(s):

Ms.R.Usha, Addl.G.P. (Pondicherry)



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ORDER

Heard Mr.K.S.Ilango, learned counsel representing M/s.Achari and Antoni and Ms.V.Usha, learned Additional Government Pleader (Pondicherry) appearing for the respondents.

2. The case of the petitioner is that she had been permitted to put up a bunk shop at No.1, Belcomb Street, Pondicherry-1. The sole purpose of the bunk shop was to run a tea shop. The respondents received a sum of Rs.400/- towards security deposit and granted permission to run the bunk shop. The petitioner was called upon to pay a sum of Rs.900/- per annum. The period of licence was one year.

3. The petitioner states that she had obtained a 'No Objection' Certificate on 19.06.2000 from the first respondent and had also obtained an Electricity connection. The petitioner alleges that she has been paying the rent regularly from 1996-1997 till 2010-2012.

4. The cause of action for filing the present Writ Petition is that the respondents treated the petitioner as an 'encroacher' and called upon her to remove the encroachment and hand-over the possession to the first respondent. Aggrieved by the same, the present Writ Petition.



5. Pending this Writ Petition, the petitioner was benefited by an interim order. On account of the interim order, she has been continuing in possession from 2011 till date.

6. When the Writ Petition was listed before this Court earlier, as there was no representation, the Writ Petition stood dismissed on 30.08.2019 for non-prosecution. Thereafter, a miscellaneous petition was filed for restoration. I heard the parties and restored the Writ Petition and listed it for final hearing.

7. When I took up the matter on 03.02.2026, Ms.Usha represented that the petitioner has encroached upon the public road and hence, the encroachment deserves to be removed.

8. Taking into consideration the allegations made in the affidavit filed in support of the Writ Petition, I called upon the Additional Government Pleader (Pondicherry) to produce a status report as regards the present situation.

9. Mr.P.Baskar, Commissioner of Pondicherry Municipality, has filed a status report. It has been duly served on the counsel for the petitioner also.



10. A perusal of the status report shows that the Deputy Surveyor attached to the first respondent, has surveyed the property in question on 05.02.2026. He has annexed a plan along with the status report. It points out that the Writ Petitioner had erected a painting workshop to an extent of 15 Sq.Mtrs. (5m x 3m), which is against the permitted extent of 4 Sq.Mtrs. (2 m x 2m) in the year 1996. In addition, the status report shows that two other persons, namely Thiru.Vinayagam, son of Perumal, had encroached upon the road corner platform and rented the area to Tmt.Sundari, W/o Sekar. She is running a Tea stall along with a petty shop to an extent of 17 Sq.Metrs; and Thiru.Motcha Raja, who has purchased a bunk shop from Tmt.Seethalakshmi, who had also encroached on the road and converted the shop into a painting workshop. The extent of encroachment is 15 Sq.Metrs.

11. I have carefully considered the submissions of both sides and gone through the records.

12. A perusal of the allotment letter shows that the petitioner was granted licence to put up a shop from 09.07.1996 to 31.03.1997. After the said period, the petitioner is not in possession of the area under valid licence. The petitioner, having merely secured the Electricity connection and a 'No Objection Certificate' having been granted to this end. It cannot be treated as a valid extension of the license to continue in possession.



13. Furthermore, under the guise of being in possession of an extent of 2m x 2m = 4 Sq.Metrs, the petitioner has steadily increased the area of occupation. Today, she is in occupation of an extent of 161.5 Sq.Meters, which corresponds to 1539 Feet. When the petitioner does not have a valid licence as of today, the issue of protecting her alleged right by way of issuance of a Mandamus, does not arise. Though she seeks for the same, which cannot be granted. In addition, the Commissioner of Pondicherry Municipality stated that no permission for the bunk shops is being issued for the past four years. That being the present situation, I am not in a position to grant the relief the petitioner seeks for.

14. The impugned order calling upon the petitioner to vacate and handover the possession of the property, is hereby upheld.

15. This Writ Petition is dismissed. There shall be no order as to costs.

09-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Commissioner,
Pondicherry Municipality, Puducherry.
2. The Revenue Officer-II,
Pondicherry Municipality, Puducherry.

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V.LAKSHMINARAYANAN, J.

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