



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

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CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP Nos. 11521 & 11523 of 2020

and

WMP Nos.14082, 14084, 14087 & 14088 of 2020

Yeera Subrahmaneswara Rao

..Petitioner in

W.P No.11521 of 2026

Yerra Lakshmana Rao

.. Petitioner in

W.P No.11523 of 2020

Vs

1. Town and Country Planning Department,
Puducherry
Rep by the Secretary,
Municipality Office,
Jawahar Nagar Main Road,
Jawahar Nagar, Puducherry- 605 005
2. The Chief Town Planner
Town and Country Planning Department,
Municipality Office,
Jawahar Nagar Main Road,
Jawahar Nagar,
Puducherry- 605 005
3. The Regional Administrator- cum - Chairman
Yanam Planning Authority,
Mini Civil Station,
Yanam



4. The Member Secretary
Yanam Planning Authority,
Mini Civil Station,
Yanam

5. The Senior Town Planner
Town and Country Planning Department
Municipality office,
Jawahar Nagar Main Road,
Jawahar Nagar, Puducherry

6. Smt.Yerra Malleswari
No.1- 13-252,
Gopal Nagar,
Yanam- 533 464

7. S.Sridarane
Senior Town Planner,
Town and Country Planning Department,
Municipality Office,
Puducherry-605 005.

..Respondents
in both petitions

PRAYER in W.P No.11521 of 2020 : Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the fifth respondent in Proceeding No.6159/ TCP/ JTP/ PIG/ PG-Y/ 2019-20/ 801 dated 29.05.2020 and to quash the same and to consequentially direct the Respondents herein to consider the proposals of the petitioner herein for construction of a four storied residential buildings (6 units) in T.S. No.B/9/4, Plot No.94, 95 Yerra Gardens, Yanam Municipality, Yanam and pass appropriate orders on merits and in accordance with law, notwithstanding the pendency of the Appeal Suit or any representation submitted by any one pertaining to the said property and to approve the plan



proposal of the petitioner if the same is otherwise in accordance with law within a limited time frame as deem fit by this Court.

WEB PRAYER in W.P No.11523 of 2020: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the fifth respondent in Proceeding No.6159/ TCP/ JTP/ PIG/ PG-Y/ 2019-20/ 801 dated 29.05.2020 and to quash the same and to consequentially direct the Respondents herein to consider the proposals of the petitioner herein for construction of a Two storied residential buildings at T.S. No.B/9/4, Plots No.14pt, Yerra Gardens, Yanam Municipality, Yanam and pass appropriate orders on merits and in accordance with law, notwithstanding the pendency of the Appeal Suit or any representation submitted by any one pertaining to the said property and to approve the plan proposal of the petitioner if the same is otherwise in accordance with law within a limited time frame as deem fit by this Court.

In both writ petitions

For Petitioner: Mr.M.Ravi

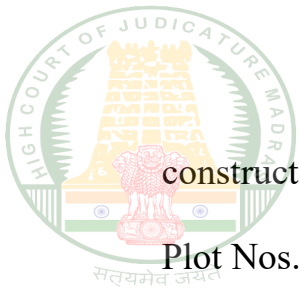
For Respondents: Mr.T.Tamilvanan for R1 to R5
Additional Government Pleader, Puducherry

Mr.M.Velmurugan for R6

No Appearance for R7

COMMON ORDER

W.P No.11521 of 2020 has been filed challenging the order of the fifth respondent dated 29.05.2020, seeking to quash the same and consequently direct the respondents herein to consider the petitioner's proposal for



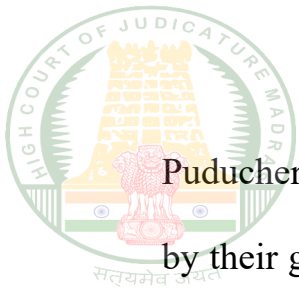
construction of a four-storied residential buildings (6 units) in T.S. No.B/9/4, Plot Nos.94, 95 Yerra Gardens, Yanam Municipality, Yanam.

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W.P No.11523 of 2020 has been filed challenging the order of the fifth respondent dated 29.05.2020, seeking to quash the same and consequently direct the Respondents herein to consider the petitioner's proposal for construction of a two-storied residential buildings at T.S. No.B/9/4, Plots No.14pt, Yerra Gardens, Yanam Municipality, Yanam.

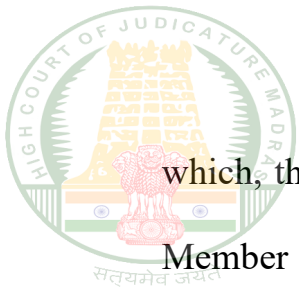
2. The petitioners are brothers. During the pendency of the writ petitions, the petitioner in W.P No.11523 of 2020 passed away. Since the deceased petitioner and his brother had filed the writ petitions challenging the same impugned order, these writ petitions are being disposed of by this common order.

3.The learned counsel for the petitioners would submit that the petitioner in W.P No.11521 of 2020 is the lawful owner of the property situated at T.S No.B/9/4, Plot Nos.94, 95, Yerra Gardens, Yanam Municipality, Yanam, Union Territory of Puducherry. Likewise, the petitioner in W.P No.11523 of 2020 is the lawful owner of the property situated at T.S No.B/9/4, Plot No.14(Part), Yerra Gardens, Yanam Municipality, Yanam, Union Territory of



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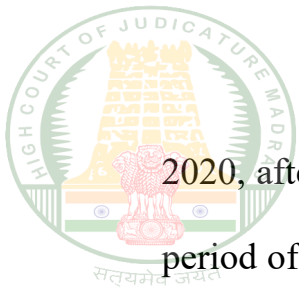
Puducherry. The said properties form part of the estate gifted to the petitioners by their grand father. After the demise of their father, the petitioners have been in joint possession and enjoyment of the said properties. Whiles, the sister of the petitioners, namely, the 6th respondent lodged a complaint alleging that the petitioners were administering the properties exclusively for their own benefit. Subsequently, disputes arose between the petitioners and their sister, resulting in the filing a suit in O.S.No.30 of 2001 before the Court of Subordinate Judge, Yanam, by the 6th respondent seeking the relief of partition. The said suit was dismissed, with the Court observing that the 6th respondent was entitled to 1/18th share in the estates of the deceased grandfather. Aggrieved by the said judgment and decree, the 6th respondent preferred A.S No.38 of 2018. Likewise, the petitioners filed A.S No.18 of 2020 before the Principal District Judge, Puducherry. When matter stood thus, the petitioners started selling the layout plots since 2002 and they were indulged in various sale transactions and the third parties are now attempting to put up a construction in the said properties. Aggrieved by the same, the 6th respondent filed a complaint before the Member Secretary, Planning Authority, Yanam. Pursuant thereto, orders were passed in favour of the 6th respondent on 25.11.2019 and 02.12.2019. Seeking implementation of the said orders, the 6th respondent filed W.P No.2481 of 2020. The Division Bench of this Court, by its order dated 18.02.2020, directed the Senior Town Planning Officer, Yanam to consider the representation of the 6th respondent and pass appropriate orders in accordance with law. Pursuant to



which, the impugned order came to be passed, issuing certain directions to the Member Secretary, Yanam Planning Authority. Aggrieved by the said order, the present writ petitions have been filed.

4. The learned counsel for the petitioners would further submit that during the pendency of the writ petitions, the Principal District Court, Puducherry by order dated 23.01.2026, dismissed A.S No.38 of 2018 as withdrawn and by order dated 27.01.2026, allowed A.S No.18 of 2020. In view of the subsequent orders, this Court may grant liberty to the petitioners to file a fresh representation before the respondents seeking certain benefits based on the order passed by the Principal District Court, Puducherry.

5. In view of the above, both the writ petitions are disposed of by granting liberty to the petitioners to approach the respondents in terms of the order passed in A.S No.38 of 2018 and A.S No.18 of 2020, by filing a fresh representation within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the respondents, without taking into consideration the impugned order, are directed to consider the petitioners' representations strictly in accordance with the order passed by the Principal District Judge, Puducherry in A.S No.38 of 2018 and A.S No.18 of



2020, after affording an opportunity of hearing to all necessary parties, within a period of six weeks thereafter. Consequently, connected miscellaneous petitions are closed.

03-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

UMA

To

1. Town and Country Planning Department,
Puducherry
Rep by the Secretary, Municipality Office,
Jawahar Nagar Main Road, Jawahar Nagar,
Puducherry- 605 005
2. The Chief Town Planner
Town and Country Planning Department,
Municipality Office, Jawahar Nagar Main Road,
Jawahar Nagar, Puducherry- 605 005
3. The Regional Administrator- cum - Chairman
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Yanam
4. The Member Secretary
Yanam Planning Authority, Mini Civil Station,
Yanam
5. The Senior Town Planner
Town and Country Planning Department
Municipality office, Jawahar Nagar Main Road,
Jawahar Nagar, Puducherry



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WP Nos. 11521 & 11523 of 2



M.DHANDAPANI, J.

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