

**PUDUCHERRY PLANNING AUTHORITY  
JAWAHAR NAGAR, BOOMIANPET,  
PUDUCHERRY.**

**Minutes of the Puducherry Planning Authority Meeting held at 10.00 A.M on 18.09.2019 in the Conference Hall of Puducherry Planning Authority, Puducherry.**

The following were present:-

|     |   |   |                     |
|-----|---|---|---------------------|
| 1.  | Thiru. T.Djeamourthy,<br>Chairman, Puducherry Planning Authority, Puducherry.   | : | <b>Chairman</b>     |
| 2.  | Thiru. Arjun Sharma,<br>The Collector, Revenue & Disaster Management, Puducherry.   | : | Member              |
| 3.  | Thiru. S.Sridarane, Senior Town Planner,<br>(Representing The Chief Town Planner,<br>Town & Country Planning Department, Puducherry).           | : | Member              |
| 4.  | Thiru. R.Gnanasekaran, Executive Engineer,<br>(Representing Superintending Engineer-III, Electricity Department,<br>Puducherry).                | : | Member              |
| 5.  | Thiru. L.Xavier Kennedy, Junior Scientific Assistant,<br>(Representing Member Secretary, Puducherry Pollution Control<br>Committee, Puducherry) | : | Member              |
| 6.  | Thiru. S.Manohar, Hydrogeologist, SGWU,<br>(Representing The Director, Agriculture Department, Puducherry)                                      | : | Member              |
| 7.  | Thiru. R. Rithosh Chandra, Assistant Divisional Fire Officer<br>(Representing Divisional Fire Officer, Fire Service Department,<br>Puducherry). | : | Member              |
| 8.  | Dr. G. Ragunathan, Deputy Director,<br>Public health Department, Puducherry.  | : | Member              |
| 9.  | Thiru. R.Chandrasegaran, Assistant Engineer.<br>(Representing Executive Engineer, NH Division, PWD, Puducherry)                                 | : | Member              |
| 10. | Thiru. S.Vallaba Dassou, Assistant Engineer.<br>(Representing Executive Engineer, Irrigation Division, PWD,<br>Puducherry)                      | : | Member              |
| 11. | Thiru. J.Sankar, Junior Engineer,<br>(Representing Executive Engineer, Public Health Division, PWD,<br>Puducherry).                             | : | Member              |
| 12. | Thiru. M.Murugaiyan, Inspector of police<br>(Representing The SP (Traffic), Police Department, Puducherry).                                     | : | Member              |
| 13. | Thiru. Manohar, The Hydrogeologist,<br>SGWU, Agriculture Department, Puducherry.  | : | Member              |
| 14. | Thiru. B.Rajaraman, Executive Engineer,<br>(Representing The Commissioner, Puducherry Municipality,<br>Puducherry)                              | : | Member              |
| 15. | Tmt.G.Ellammal, Assistant Engineer,<br>(Representing The Commissioner, Oulgaret Municipality,<br>Puducherry).                                   | : | Member              |
| 16. | Thiru. J.Manicasamy, Junior Engineer,<br>(Representing The Commissioner, Nettapakkam Commune<br>Panchayat, Puducherry).                         | : | Member              |
| 17. | Thiru. R.Thirunavukkarasu, Assistant Engineer,<br>(Representing The Commissioner, Villianur Commune Panchayat,<br>Puducherry).                  | : | Member              |
| 18. | Thiru. V.Sandane, Junior Engineer,<br>(Representing The Commissioner, Manadipet Commune, Puducherry)  | : | Member              |
| 19. | Thiru. K.Shanmugasundaram, Junior Engineer,<br>(Representing The Commissioner, Bahour Commune Panchayat ,<br>Puducherry.                        | : | Member              |
| 20. | Thiru. M.Kandar Selvan, The Member Secretary,<br>Puducherry Planning Authority, Puducherry.   | : | Member<br>Secretary |

## **AGENDA NO: 1**

Follow up actions taken on the minutes of the previous meeting dated:

The Member Secretary, Puducherry Planning Authority apprised that the minutes of the Puducherry Planning Authority meeting held on 17.07.2019 were communicated to all members and the same was confirmed.

## **AGENDA NO: 2**

Item No.1 Building Plan Applications;

### **CASE NO:1**

**File No & Date: 8060 & 29.3.2019**

The proposal of **The Executive Engineer, Buildings & roads (North) Division, P.W.D.,** for construction of Two storied Commercial (MULTIPURPOSE HALL) building with Mazzannine Floor at R.S. No. 96/3A/1B, Cuddalore Road, Kirumampakkam, Pillaiyarkuppam Revenue Village, Bahour Commune, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to condition that schematic approval shall be issued after imposing the conditions that clearances/NOC's should be obtained from the Fire Service Department, Electricity Department, State Ground Water Unit & Bahour Commune Panchayat before carrying out construction at site.

### **CASE NO:2**

**File No & Date: 5483 & 16.09.2016**

The proposal of **The Director, Local Administration Department,** for proposed construction of three storeyed office building at R.S.No.239pt, T.S.No.22, Ward D, Block 28, Junction of Victor simon & L'eveche street, Puducherry Revenue Village, Puducherry Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to condition that schematic approval shall be issued after obtaining clearances/NOC's from the State Level Heritage committee and after imposing the condition that the Fire Service Department, Electricity Department & Puducherry Coastal Zone Management Authority should be obtained before commencement of construction work at site.

### **CASE NO:3**

**File No & Date: 2320 & 22.11.2017**

The proposal of **M/s.Le Conseil D'Administration de 'L'Archidiocese de Pondicherry represented by its Secretary & Treasurer Re.Fr. Gregory Louis Joseph represented by Power agent Thiru.C.Muthuraman, The Managing Director, M/s. Valuable Property Promoters Pvt. Ltd,** for proposed residential layout in the Name & style of "Vallalar Nagar" at R.S.No.95/3, Near Deva Nagar, Reddiarpalayam Revenue Village, Oulgaret Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to condition that permit shall be issued after obtaining clearances/NOC's from the Directorate of Survey and Land Records (Demarcation of site & furnish a report) & Oulgaret Municipality (w.r.t handing over road portion, handing over of land for communal and recreational purposes, examining water bodies, Canal, Public Health Point of View, handing over of land for underground reservoir of adequate capacity along with booster pumping station).



**CASE NO:4****File No & Date: 769 & 24.01.2019**

The proposal of **Tmt.Usha Thangavel represented by power agent Thiru. G. Thangavel**, for construction of three storeyed commercial building (Shop – 3 Nos.) with stilt floor at R.S.No.77/20 & 77/21, Door No. 17, Madha Koil Street, Reddiarpalayam, Reddiarpalayam Revenue Village, Oulgaret Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to the condition that the building permit shall be issued after obtaining clearance from the Fire service department, Electricity Department, National Highway division, Public Health Division, PWD/Puducherry, Legal counsel/PPA, Superintendent of Police (Traffic) & submission of structural design basis report.

**CASE NO:5****File No. & Date: 8509 & 3.06.2019**

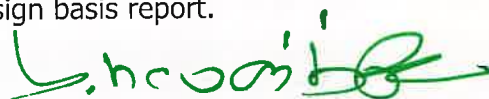
The proposal of **Thiru.R.Murugantham**, for construction of three storied Residential building with stilt floor (3-dwelling units) at R.S.No. 53/2, Plot No.I-2, 3<sup>rd</sup> Cross, Sri Ganapathy Nagar, Reddiarpalayam Revenue Village, Oulgaret Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to condition that the building permit shall be issued after obtaining necessary no objection certificate from the Oulgaret Municipality on payment of road development charges & submission of Structural Design Basis Report.

**CASE NO:6****File No. & Date: 2080/18.02.2019**

The proposal of **M/s.New Modern Vidhya Mandir Higher Secondary School Rep. by its Correspondent, Thiru.B.Girishkumar, lease holder of Puduku Vadumugathu Vaguppu/Beri Chettiar sangam**, for construction of three storeyed school building – Annexure for Primary for M/s.New Modern Vidhya Mandir Higher Secondary School at R.S.No.105/7, T.S.No.80pt, Ward A, Block 22, Muthaiya Mudaliar street, Puducherry Revenue Village, Puducherry Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to the condition that the building permit shall be issued after obtaining clearance from the Fire service department, Electricity Department, Public Health Division, P.W.D, Legal counsel (PPA), Superintendent of Police (Traffic), Directorate of Survey and Land Records, Puducherry Municipality (Public health point of view) & submission of structural design basis report.

**CASE NO:7****File No. & Date: 5744 & 29.10.2018**

The proposal of **Thiru.V.Ganabady Sactivel, Power agent representing Tvl. 1.Babou, 2.Jothilatchumy, 3.Janikiraman & 4.Ganesan**, for construction of three storeyed residential building (2 Dwelling units) with stilt floor after demolition of existing building at R.S.No.239pt, T.S.No.75, Ward - C, Block No.19, Door No. (Old).51, New No.61, Canteen Street, Puducherry Revenue Village, Puducherry Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to the condition that the building permit shall be issued after obtaining clearance from the INTACH, Puducherry & submission of structural design basis report.



**CASE NO:8****File No. & Date: 2198 & 27.07.2018**

The proposal of **Thiru.Joseph Bennadic Christopher**, to carryout an additional construction of first & second floor residential building (2 Dwelling units) to the existing single storeyed residential building at R.S.No.399/2pt, T.S.No.19, Ward F, Block 24, Plot No.27pt, 28 & 29, Door No.13, Second Cross, Subbammal Clovis Street, Uppalam, Puducherry Revenue Village, Puducherry Municipality, Puducherry was examined by the Puducherry Planning Authority and the committee decided to refuse the case since, the proposal lacks parking space as per the norms of Puducherry Building Bye Laws & Zoning Regulations, 2012.

**CASE NO:9****File No. & Date: 8395 & 16.05.2019**

The proposal of **Thiru.R.Akbar Basha represented by Power Agent Thiru. A.Rahamatulla**, for construction of three storeyed commercial building (Shop - 3 Nos.) with stilt floor at R.S.No.239pt, T.S.No.156, Ward - C, Block No.12, New Door No.264, Old Door No.84 & 100, Mahathma Gandhi Road, Shanmuga Velayudha Mudaliar Street, Puducherry Revenue Village, Puducherry Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to the condition that the building permit shall be issued after obtaining clearance from the Fire service department, Electricity Department, Public Health Division, P.W.D, Legal counsel (PPA), Superintendent of Police (Traffic), Puducherry Municipality & submission of structural design basis report and Soil Test Report.

**CASE NO:10****File No. & Date: 2045 & 12.10.2017**

The proposal of **1.Thiru.R.Dayananda Gupta, 2.Thiru.S.Premananda Gupta**, for construction of three storeyed residential building (2 Dwelling units) at R.S.No.239pt, T.S.No.182, Ward - C, Block No.10, New No.122, Old Door No.90, Vysiyal Street, (Kalavai Suburaya Chetty Street), Puducherry Revenue Village, Puducherry Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to the condition that the building permit shall be issued after obtaining clearance from the Legal counsel (PPA), opinion of the Directorate of Survey & Land Records regarding the discrepancy in the plot extent & submission of structural design basis report and Soil Test Report.

**CASE NO:11****File No. & Date:11282 & 13.09.2019**

The proposal of **1.Thiru.V.P.Sivakolundhu, 2.Thiru. V.P.Ramalingam**, for construction of four storeyed commercial building (office) with basement floor at R.S.No.252/3/B/1/C, Kamaraj Salai, (Junction at Anandha Rangapillai Nagar Main Road), Anandha Rangapillai Nagar, Thattanchavady Revenue Village, Oulgaret Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to the condition that the building permit shall be issued after obtaining clearance from the Fire Service Department, Electricity Department, Public Health Division/PWD, Superintendent of Police (Traffic), State Ground Water Unit & Soil Conservation and after submission of Structural Design Basis Report.

**CASE NO:12****File No. & Date: 8567 & 13.6.2019**

The proposal of **Thiru.R.Dayalan & Tmt.D.Ezhila**, for construction of three storied Residential building (1-dwelling unit) at R.S.No. 239pt, T.S.No.151, Ward-D, Block No.11, Door No.9, Jeevanandam Street, Puducherry Revenue Village, Puducherry Municipality, Puducherry, was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to the condition that the building permit shall be issued after obtaining clearance from the Public Health Division, PWD, & Legal Counsel (PPA) and submission of Structural Design Basis Report & Soil test report.

**CASE NO:13****File No. & Date: 8793/15.07.2019**

The proposal of **Thiru.P.Gnanavel**, for construction of three storied Residential building (1-dwelling unit) at 230/5B, Plot No.8 9<sup>th</sup> Cross, Krishna Nagar, Saram Revenue Village, Oulgaret Municipality, Puducherry, was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to the condition that the building permit shall be issued after obtaining clearance from the Legal Counsel, PPA, & Oulgaret Municipality and submission of Structural Design Basis Report & Soil test report.

**CASE NO:14****File No. & Date:8796 & 16.07.2019**

The proposal of **Tmt.L.Ruparani**, for construction of two storeyed commercial building (6-Guest rooms) with stilt floor at R.S.No.239pt, T.S. No.8, Ward-D, Block No.28, Door No.4, Junction of Leveche Street and Baslieu Street, Puducherry Revenue Village, Puducherry Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to condition that permit shall be issued after obtaining clearances/NOC's from the Fire Service Department, Public Health Division, PWD, S.P(Traffic), Police Department, Puducherry Coastal Zone Management Authority, Legal opinion from Legal Counsel, PPA and after submission of Structural Basis Report & Soil Test Report.

**CASE NO:15****File No & Date: 8798 & 16.07.2019**

The proposal of **1.Thiru.P.Senthilkumaran, 2.Thiru.P.M.Saravanan**, for construction of three storied residential building (1-Dwelling Unit) with stilt floor after demolishing the existing two storeyed building at R.S.No.145/1pt, T.S. No.164 & 163, Ward-B, Block No.10, Door No.67 & 69, Mariamman Koil Street, Manjini Nagar, Muthialpet, Puducherry Revenue Village, Puducherry Municipality was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to condition that permit shall be issued after obtaining clearances/NOC's from the Airport Authority of India, Fire Service Department, Legal Opinion from Legal Advisor, PPA and submission of Structural Design Basis Report & Soil test report.




**CASE NO:16**

**File No. & Date: 10164 & 14.08.2019**

The proposal of **Tmt.R.Kamalakala Lakshmi** represented P/A Thiru. S. Thangamanimaran for construction of five storied Residential flats building (8-dwelling units) with stilt floor at R.S.No.334/3, Soundarajan Street, Kamaraj Nagar, Saram Revenue Village, Oulgaret Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to condition that permit shall be issued after obtaining clearances/NOCs from the Fire Service Department, Electricity Department, Public Health Division, PWD, Legal Opinion from Legal Advisor, PPA and submission of Structural Design Basis Report & Soil test report.

**CASE NO.17**

**File No. & Date: 8721 & 05.07.2019**

The proposal of **Tmt.V.Angalammal @ Kalvikarasi** for construction of five storied Residential building with stilt floor (8-Dwelling Units) at R.S.No.399/3, T.S. No.19, Ward-F, Block-24, Plot Nos.13pt, 14 & 15pt, Subbammal Glovis Street, Uppalam, Puducherry Revenue Village, Puducherry Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to condition that permit shall be issued after obtaining clearances/NOCs from the Fire Service Department, Electricity Department, Public Health Division, PWD, Legal Opinion from Legal Advisor, PPA and submission of Structural Design Basis Report & Soil test report.

**CASE NO.18**

**File No. & Date: 8752 & 09.07.2019**

The proposal of **Tmt.P.Shanthi represented by P/A Thiru.J.Gopinathan** for construction of five storied residential building (8- Dwelling Units) with Stilt floor at R.S.No.166/8/C, Main Road, Krishna Nagar, Saram Revenue Village, Oulgaret Municipality, Puducherry was examined by the Puducherry Planning Authority. The proposal was agreed in principle subject to condition that permit shall be issued after obtaining clearances/NOCs from the Fire Service Department, Electricity Department, Public Health Division, & Irrigation Division, PWD, Airport Authority of India, Legal Opinion from Legal Advisor, PPA & Oulgaret Municipality and submission of Structural Design Basis Report & Soil test report.





**AGENDA-3****ANY OTHER ITEM IN THE PERMISSION OF CHAIRMAN:****Item No.1**

**Matter relating to Revised Building Plan approval for M/s. SCM Clothes (P) Ltd., represented by its Director, Thiru. K.S. Veeramani, at Maraimalai Adigal Salai, Pudupalayam Revenue Village, Puducherry Municipality, Puducherry**

The Member Secretary apprised the following to the Puducherry Planning Authority Committee:-

This Authority has issued a building plan approval for the construction of seven storeyed commercial building (Shop) with double basement floor situated at R.S.No.152/3pt, T.S.No.3, 4, 5, 6, & 7, Ward -I, Block No.2, Maraimalai Adigal Salai, Nellithope, Pudupalayam Revenue Village, Puducherry Municipality, Puducherry in the name of "M/s.SCM Clothes (P) Ltd., represented by its Director, Thiru.K.S.Veeramani" vide permit No.PPA/787/89/Z(SB-Pudupalayam)/2018 dt: 08.06.2018. During course of construction, the applicant carried out construction with deviations from the approved plan issued on 08.06.2018 and therefore, a deviation -cum- stop work notice was issued by this Authority on 02.07.2018. Since the applicant had failed to respond to the stop work notice, a demolition notice was issued by this Authority on 13.08.2018. Even on receipt of the demolition notice, the applicant continued with the construction activities at site. Therefore, the Electricity Department and Public Health Division, PWD were requested not to extend power / water connections to the deviated construction on 21.08.2018. A show cause notice was also served to the Registered Engineer concerned on 21.08.2018. Petitions have also been received by this Authority regarding the deviated construction.

Based on the notices served, the applicant submitted the revised plan on 20.08.2018 and the same was refused since the coverage and FAR exceeds the permissible limits of 45% and 250 (i.e. 60.67% & 375.21) (inclusive of service floor) respectively and a refusal -cum- demolition notice was also issued by this Authority on 28.08.2018. As aggrieved by the order of this Authority, the applicant appealed to the Board on 28.08.2018.

The Puducherry Town and Country Planning Board in its meeting held on 10.10.2018 examined the appeal and decided as follows:

*The Board after detailed deliberations decided that the building plan approval may be issued to four storeyed commercial building (ground + 3 floors) with double basement floor (for parking) and directed Puducherry Planning Authority to seal the 4<sup>th</sup> 5<sup>th</sup> and 6<sup>th</sup> floor of the commercial building already constructed (i.e. a portion of building constructed on the western and southern side of the site) at R.S.No.152/3pt, T.S.No.3,4,5,6 &7, Ward I, Block 2, Marimalai Adigal Salai, Nellithopu, Pudupalayam Revenue Village, Puducherry Municipality, Puducherry. The Board also directed the appellant to maintain status quo of the building and submit revised building plan restricting the height of the building to 15.0mts and restricting the FAR to 180. After sealing the constructed building (4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> floor) as directed by the TCP Board and after compounding the offences of setback deviations and unauthorised construction / deviation, PPA may issue building permit. Before issue of revised building plan approval, PPA shall obtain necessary clearance from line department.*



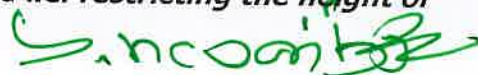

The directions of the Town and Country Planning Board was communicated to the applicant, directing to attend the following remarks vide letter No.3049/PPA/Z(SB-Pudupalayam)/2018/1322 dt:13.11.2018 as follows:-

- a) *"As per the Board direction you are here by inform to submit the revised plan restricting the building height to 15.0mts and restricting the FAR to 180. Revised plan (8 sets) should be submitted for processing the proposal further and for referring the proposal to Line Departments for obtaining necessary clearances.*
- b) *Structural design details and Structural Design Basis Report in Form 8, 10 & 12, (Part-I, III) obtained from the Registered Structural Engineer shall be produced".*

In response to the letter of the Town and Country Planning Board, the applicant submitted the plan dated 12.11.2018, for the entire building without showing the restriction on FAR & height, as per the directions of the board. Subsequently, 4th, 5th & 6th floor of the building already constructed at the site was sealed on 01.12.2018 at 11.00.AM by affixing necessary sealing notices on the walls of the building. During the sealing process, it was observed that a portion of building situated on the **north east portion has not been raised above the ground level.** Further during routine inspection on 14.12.2018 by the Member Secretary along with Junior Town Planners and Town Planning Assistant, it was observed that the applicant continuing with the construction work in the basement floor of the building.

As such, a show cause notice was also issued to the applicant on 17.12.2018, since the construction works were being carried out at site without any revised plan approval and violating the directions of the Town and Country Planning Board to maintain status quo and directing to submit explanation within a week time why action shall not be taken against the deviated construction and for violating the directions of the Puducherry Town and Country Planning Board & provisions of the Town and Country Planning Act, 1969 and Puducherry Building Puducherry Bye Laws Zoning Regulations, 2012. **In the meantime, this Authority has also received a representation from Thiru.Sheik Ibrahim on 17.12.2018 (submitted to Secretary(TP) on 14.12.2018) requesting to revoke the building permit issued to M/s. SCM Clothes (P) Ltd., stating that a part of land to an extent of 1057sq.m in R.S.No.152/3pt, T.S.No.7, Pudupalayam Revenue Village belongs to him and the land has been occupied with fabricated documents.** In this regard, it is to apprise that the applicant has purchased lands to an extent of 1428.sqm at Ward I, Block-2, T.S.No.3,4,5,6 from state Bank of India, Stressed Assets Management Branch under Rule -9(6) of the security interest (Enforcement) rules, 2002 vide Sale document No.12566/2017 and also purchased land to an extent of 1057.sqm at ward I, Block 2, T.S.No.7 from sellers M/s.Savithiri W/o.Pannerselvam -1, Kathiresan, S/o.Pannerselvam-2, Pannerselvam S/o.Jayaramacounder- 3, Latha W/o. Palani-4, Palani, S/o. Jayarama Counder -5, Kumaresan S/o.Pannerselvam -6, Vivekanandan S/o.Palani- 7, vide Sale Deed No.17508/2017. And it is ascertained that the sellers M/s.Pannerselvam -1 Palani -2, Latha -3, Savithry - 4 are existing pattadars as per the settlement register.

As against the show cause notice of this Authority, the applicant submitted a letter on 27.12.2018, along with revised plan as per execution at site and agreed to restrict the proposal as per the directions of the Town and Country Planning Board **i.e. restricting the height of**





*the building to 15.0mts and restricting the FAR to 180.* Further, the applicant submitted a letter from the Anna University, Chennai dated; 31.12.2018 addressed to M/s.Teemage Builders (P) Ltd., wherein it is *"....it is understood from the letter of the firm that more than 75% of the construction has been completed and there is a request from the client to execute the project without the front portion of the structure. Based on your request, we have modeled the revised structure in ETABS software and verified the structural stability. It is observed that the structure attracts more forces and the structure was not designed for that much increased load. The torsional stability check was also not satisfied by the structure. The overall stability of the structure depends on the confinement provided by the elements in the outer boundary also. Based on the outputs, it is advised that the removal of the front portion of the structure will lead to the instability of the overall structure. It is hereby recommended to construct the structure as per the layout approved by Anna University as on 27.08.2018. Deviations from the approved plan, approved elevations, approved layout of the structural elements and the approved connection detailing are not permitted."* and requesting to consider the case as per the directions of the Anna University.

**The Planning Parameters are as follows for the present proposal:**

| Sl.No   | Parameters  | As per plan submitted                     | Permissible (Board approved parameters)        | As per execution at site                                |
|---------|-------------|---|--|---|
| 1.      | Coverage    | 60.67%                                    | 60.67%   | 46.67%(appx)<br>After deducting<br>north east portion   |
| 2.      | FAR         | 375.21<br>(inclusive of<br>service floor) | 180  | 180<br>(to be restricted)                               |
| 3.      | Height      | 27.40m                                    | 15.00m   | 15.00m<br>(to be restricted)                            |
| 4.      | Parking     | 3443.00 m <sup>2</sup>                    | 1987.12sqm<br>(required as per<br>SP(Traffic)) | 2491.68sqm<br>(as per SP(Traffic)<br>dated; 18.03.2019) |
| Setback |             |   | As per site condition                          |   |
| 5.      | Front       | 7.20m/7.0m                                | 7.20m/7.0m                                     | 7.20m/7.0m  |
| 6.      | Rear        | 2.58m/2.42m/3.4<br>m/1.75m/1.80m          | 2.58m/2.42m/3.4m<br>/1.75m/1.80m               | 2.58m/2.42m/3.4m<br>/1.75m/1.80m                        |
| 7.      | Side (east) | 6.61m/6.59m                               | 6.61m/6.59m                                    | 6.61m/6.59m   |
| 8.      | Side (west) | 4.69m/5.67m/3.3<br>1m/<br>8.81m           | 4.69m/5.67m/3.31<br>m/<br>8.81m                | 4.69m/5.67m/3.31<br>m/<br>8.81m                         |

Further, the same was placed in the Puducherry Planning Authority meeting held on 10.01.2019 and the committee examined in detail and agreed with the decision of the Town and Country Planning Board in its meeting held on 10.10.2018 & decided as follows;

*The Board after detailed deliberations decided that the building plan approval may be issued to four storeyed commercial building (ground + 3 floors) with double basement floor (for parking) and directed Puducherry Planning Authority to seal the 4th 5th and 6th floor of the commercial building already constructed (i.e. a portion of building constructed on the western and southern side of the site) at R.S.No.152/3pt, T.S.No.3,4,5,6 &7, Ward I, Block 2, Marimalai Adigal Salai, Nellithopu, Pudupalayam Revenue Village, Puducherry Municipality, Puducherry. The Board also directed the appellant to maintain status quo of the building and submit revised building plan restricting the height of the building to 15.0mts and restricting the FAR to 180. After sealing the constructed building (4th, 5th and 6th floor) as directed by the TCP Board and after compounding the offences of setback deviations and unauthorised construction / deviation, PPA may issue building permit. Before issue of revised building plan approval, PPA shall obtain necessary clearance from line department.*

Further, the Member Secretary has apprised that the 4th, 5th & 6th floor of the building has already been sealed on 01.12.2018 by affixing necessary sealing notices on the walls of the building and the Authority has also served a show cause notice to the building owner on 17.12.2018 for not maintaining the status quo as per the directions of the Town and Country Planning Board.

In the meantime, Authority has also received a representation from Thiru. Sheik Ibrahim on 17.12.2018 requesting to revoke the building permit issued to M/s. SCM Clothes (P) Ltd., stating that a part of land to an extent of 1057sq.m in R.S.No.152/3pt, T.S.No.7, Pudupalayam Revenue Village belongs to him and the land has been occupied with fabricated documents. And regarding the representation, the Member Secretary has stated that the applicant has purchased lands to an extent of 1428.sqm at Ward I, Block-2, T.S.No.3,4,5,6 from State Bank of India, Stressed Assets Management Branch under Rule - 9(6) of the security interest (Enforcement) rules, 2002 vide Sale document No.12566/2017 and also purchased land to an extent of 1057.sqm at ward I, Block 2, T.S.No.7 from sellers M/s. Savithiri, W/o.Pannerselvam -1, Kathiresan, S/o.Pannerselvam-2, Pannerselvam S/o.Jayaramacounder- 3, Latha W/o. Palani-4, Palani, S/o. Jayarama Counder -5, Kumaresan S/o.Pannerselvam -6, Vivekanandan S/o.Palani- 7, vide Sale Deed No.17508/2017. And it is ascertained that the sellers M/s.Pannerselvam -1 Palani -2, Latha -3, Savithry - 4 are existing pattadars as per the settlement register and the same was also confirmed during the previous approval from the Department of Survey and Land Records, vide No. 946/DSLR/ADOS/2018, dated; 3.05.2018. The petitioner Thiru. Shiek Ibrahim has also given a representation to The Secretary (Town Planning) regarding the forged document vide dated; 14.12.2018.

The committee after detailed deliberation decided to consider the case for issue of building permit for the construction of four storeyed commercial building (ground + 3 floors) with double basement restricting the height of the building to 15.0mts and restricting the FAR to 180 and after obtaining clearance/NOC from the Fire Service Department & Electricity Department, SGWU, SP(Traffic), Puducherry. Furthermore, it is also directed to obtain necessary legal opinion from the Legal Counsel, Puducherry Planning Authority with respect to the representation of Thiru. Sheik Ibrahim regarding the ownership of the property and after submission of Structural Stability Certificate / Design Basis Report & Design Details.

Accordingly, the opinion of the line department was sought by this Authority and the clearances received are as follows;

- i. Electricity department vide letter No.8542/ED/EE-UR/JE/F.11(TO)/18-19 dated; 4.02.2019.
- ii. Fire service department vide letter No.C.No.28/FSD/FPW/NOC/2019/167 dated; 18.02.2019.
- iii. State ground water unit & soil conservation vide letter no.3/SGWU&SC/HG-I/Tech/2018-19/81 dated; 31.01.2019.
- iv. Superintendent of Police (traffic) vide letter No.03/SPT(NE)/PPA/2018 dated; 18.03.2019.

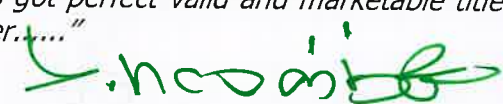
And regarding legal opinion, the Legal Counsel Thiru.Vinayagamoorthy, Puducherry Planning Authority has opined as follows-

Extract;

".....the encumbrance certificate contains 26 entries in it, except the documents discussed above some other entries also found in it. Whereas the title of those persons is not found to be proper. Hence, the above said persons title is valid one according to the documents discussed above.

Further the applicant herein i.e.M/s.SCM Clothes (P) Ltd., represented by its managing director, P.P.K.Paramasivam, son of Kuzhandaivel Mudaliar, claimed title from his vendor namely 1). Savithri 2). Kathiresan 3). Pannesevum, 4). Latha, 5).Palani 6). Kumaresan 7). Vivegananthan through a valid registered sale deed bearing No.17508/17 dated; 19.12.2017. I have perused the photocopy of the sale deed 17508/2017.

Therefore, on careful scrutiny of all the documents discussed above, I am of the opinion that the applicant M/s.SCM Clothes (P) Ltd., represented by its Managing Director, P.P.K.Paramasivam, son of Kuzhandaivel Mudaliar has got perfect valid and marketable title over the property mentioned in the schedule hereunder....."





& ....Regarding representation of Thiru.Sheik Ibbrahim.

I state that vide letter No.25.1.2019 No.3049/PPA/Z(SB-pudupalayam)/2008/660, your authority sought my opinion regarding the title of the applicant, and the representation submitted by above said Sheik Ibrahim. In respect of the title of the applicant M/s.SCM Clothes (P) Ltd. I have discussed in the above paragraph i.e.Part -I and II. As such the applicant got perfect valid and marketable title over the property mentioned in the respective schedule, whereas the property mentioned in Part II of the opinion is under simple mortgage with HDFC for business purpose by the applicant.

Further I have perused the representation submitted by Thiru.Shiek Ibrahim along with the documents. The documents which have been submitted by the objector do not confer any title to him. Further, the objector is liable to prove his right of succession as mentioned in the genealogy tree. It is significant to mention here that, the objector not even filed a single birth certificate to prove his succession as mentioned in the genealogy tree. In the absence of those material evidence the objector's objection is liable to be discarded. If the objector is having any valid substance in his objection, he must seek remedy only through the court of law. Therefore, the representation of Thiru.Shiek Ibrahim is only vexatious petition. With this observation, I hereby return the file along with documents...."

Further, regarding the representation of Thiru.Shiek Ibrahim, an action taken report and factual report has been called by the Superintendent of Police, Vigilance and Anti- corruption & by the Government. In this regard, a report apprising all the facts and decision of the Puducherry Planning Authority meeting, has been sent to the Superintendent of Police, Vigilance and Anti - Corruption, Puducherry. Further, based on the reply of the Superintendent of Police, Vigilance and Anti -Corruption and the opinion of the Legal counsel, Puducherry Planning Authority, the opinion of the Law department has been sought by this Authority through the Secretary (TP). In this regard, the **Law department, has opined "that the subject matter of the dispute raised by the objector pertains to title to the lands and as such the same is purely a civil dispute. The objector shall be at liberty to approach the competent court of civil jurisdiction for seeking redressal of grievances. Further, the objector has not produced any prohibitory order from the court of law to restrain the Puducherry Planning Authority from proceeding further in this case. Hence the Puducherry Planning authority is at liberty to proceed in this matter, due to lack of submission of prohibitory order from the competent court of law by the objector, Thiru. Shiek Ibrahim."** and the Secretary (TP) has also directed to decide the case based on merits by Puducherry Planning Authority.

In the meantime, the Hon'ble Division Bench of Hon'ble Mr. Justice M.Venugopal and Hon'ble Mr. Justice R.Pongiappan, has passed an order dated 11.01.2019, in writ petitions W.P. No. 13541/2018 and W.M.P. No.35096 of 2017 & 11651 of 2018, squashing the building plan approval issued to the four storeyed residential flats building at R.S.No.239pt, T.S.No.169, Ward D, Block 13, Door No.91, Puducherry Revenue Village, Puducherry Municipality, Puducherry and the order of the Town and Country Planning Board for regularizing the existing four storeyed residential flats building & challenging the powers of the Puducherry Town and Country Planning Board. As against the same, the Town and Country Planning Board and the Puducherry Planning Authority has filed a Special Leave Petition SLP No.11950 of 2019 before the Hon'ble Supreme Court of India challenging the order of the Hon'ble Division Bench of the High court of Judicature at Madras, seeking clarification/interpretation of section 70 of the Town and Country Planning Act, 1969 in exercising to regularizing the buildings by the Puducherry Town and Country Planning Board and the same is pending before the Hon'ble Supreme court for disposal.




Further, regarding planning parameters of the proposal for special building category, the coverage shall be of 70% & FAR - 180 & building height -15mts and regarding the setbacks the front setback shall be of minimum 6.0mts and remaining sides minimum of 3.00mts as per annexure -XI of Puducherry Building Bye Laws and Zoning Regulations, 2012 and subsequently, it is also observed that the applicant has proceeded with the construction activity at the north east corner portion of the building unauthorisedly without any revised building plan approval and failed to maintain status quo as per the directions of the Town and Country Planning Board.

Subsequently, the revised proposal was again placed before the Puducherry Planning Authority meeting held on 29.05.2019 and the committee decided as follows:-

"...The committee after detailed deliberation decided to consider the case under the special building category i.e. restricting the FAR to 180, Coverage to 70% & building height to 15mts. Further, the request of the applicant for carrying out construction in the north east corner of the building could not be considered since, the height of the building shall be restricted to 15mts for permitting the building under special building category. And as per the opinion of the Anna University, Chennai, the overall stability of the structure depends on the confinement provided by the elements in the outer boundary also. It was decided to direct the applicant to remove/dismantle the 4th, 5th, & 6th floor of the existing structure in order to ensure the stability/safety of the structure. It was further decided that building plan approval may be issued after ensuring the removal / dismantling of the 4th, 5th, & 6th floor of the existing structure and restricting the FAR to 180 and after compounding the setback violations / deviated construction as per the provisions of Puducherry Building Bye Laws & Zoning Regulations, 2012."

Accordingly, the applicant was directed to comply with the directions of the Puducherry Planning Authority committee on 7.06.2019. In the meantime, Thiru. Shiek Ibrahim has also filed a writ petition before the High Court of Judicature Madras W.P.No.17883 of 2019, wherein the 1.Puducherry Planning Authority, represented by its Member Secretary, 2. The Director, SCM, Clothes (P), Ltd, 3. The Member Secretary, Town and Country Planning Department & 4.The Secretary to Government (Puducherry Planning Authority), are the respondents, praying to pass order of Ad Interim Injunction restraining the Puducherry Planning Authority – 1st respondent from in any manner proceeding and processing with further construction activities at R.S.No.152/3pt, T.S.No.7, Ward I, Block 2, Marimalai Adigal Salai, Nellithopu, Pudupalayam Revenue Village, Puducherry Municipality, Puducherry pending finalization of the writ petition and to issue a writ of Mandamus, or any other appropriate writ or order or direction, in the nature of writ, directing the 4<sup>th</sup> respondent – Secretary to Govt. (TP) to consider the statutory application dated; 14.12.2018 under Rule 21 of Rules of Business of Government of Pondicherry 1963 on merits and to pass necessary orders thereon within a time to be stipulated by the Court and to pass such orders as may deem fit. In this regard, the Puducherry Planning Authority has filed the Counter Affidavit for self and on behalf of the third and fourth respondents. Further, the matter was listed for posting on 18.09.2019 for hearing.

Now the applicant submitted a letter obtained from the Anna University, Dindigul which states that "structures are enough stable even deleting the top three stories front portion in the plan. Also, further to the earlier recommendations from Anna University, Chennai dt. 31.12.2018, now the applicant has submitted another recommendation from Anna University, Chennai stating that "although this is a deviation from the original design and approved layout, it is found to be satisfactory for the intended loads and the structure is stable"



After perusing the above, the Puducherry Planning Authority Committee decided to refer the case to the IITM, Chennai for their views/opinion, i). on the Structural Stability/Conditional assessment of the existing building on compliance of the decision of the Puducherry Planning Authority committee taken in the meeting held on 29.05.2019 and ii). The Structural Stability/Conditional assessment of the existing building without completing the structure in the north east portion above the third floor. After obtaining the view of the IITM, Chennai the proposal shall be placed before the Puducherry Planning Authority committee for a decision. Further, the committee directed to follow up with the Government Pleader for High Court of Chennai regarding the writ petition filed by Thiru.Shiek Ibrahim.

**Item No.2**

**Collection of scrutiny/ processing fee to issue Coastal Regularization Zone (CRZ) clearance in the CRZ-II and CRZ-III areas (200mts to 500mts HTL of sea):**

The Puducherry Planning Authority after detailed deliberation decided to defer the proposal for collection of fee, payable to Puducherry Coastal Zone Management Authority and decided to conduct a meeting with officials of Puducherry Coastal Zone Management Authority. Till such time, Puducherry Planning Authority may process the building plan applications, based on prevailing procedure.

**Item No:3**

**Approval for ratification of the expenditure incurred for Thematic workshop conducted on 11.09.2019:**

The proposal for ratification of the expenditure incurred for the workshop conducted on 11.09.2019 for Thematic Workshop by BMTPC to the total expenditure of Rs.2,66,744/- has been approved.

**Item No:4**

**Engagement of 4 Data Entry Operators from Puduval Computer Co-Operative Society, Puducherry on outsourcing basis:**

The engagement of four Data Entry Operators from Puduval Computer Co-operative Society, Puducherry on outsourcing basis was approved by the Puducherry Planning Authority Committee.

The Chairman thanked the members for attending the meeting.

  
Member Secretary  
Puducherry Planning Authority

  
Chairman  
Puducherry Planning Authority

