

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

**Minutes of the Puducherry Planning Authority Special Meeting held at 11.00 A.M on  
29.05.2019 in the Conference Hall of Puducherry Planning Authority, Puducherry.**

The following were present:-

1	Thiru. T.Djeamourthy, Chairman, Puducherry Planning Authority, Puducherry.	:	<b>Chairman</b>
2	Thiru. V. Sathyamurthi, The Chief Town Planner, Town & Country Planning Department, Puducherry.	:	Member
3	Dr. G. Ragunathan, Deputy Director, Public health Department, Puducherry.		Member
4	Thiru.Arjun Ramakrishnan, Commissioner, Puducherry Municipality, Puducherry	:	Member
5	Thiru. R.Sagaya Alfred, Senior Scientific officer, (Representing Member Secretary, Puducherry Pollution Control Committee, Puducherry)	:	Member
6	Thiru. R. Rithosh Chandra, Assistant Divisional Fire Officer Fire Service Department, Puducherry, (Representing Divisional Fire Officer, FSD, Puducherry).	:	Member
7	Thiru. C. Umesh Chandra, Assistant Engineer, Electricity Department, Puducherry. (Representing SE-III, Electricity Department, Puducherry).		Member
8	Thiru.V.S.Parthiban, Deputy Director, Agriculture Department, Puducherry, (Representing Hydrogeologist, Agriculture Department).		Member
9	Thiru. R.Chandrasegaran, Assistant Engineer. (Representing Executive Engineer, NH Division, PWD, Puducherry)	:	Member
10	Thiru.K.Murugavel, Superintendent of Police SP(Traffic) North -East, Police Department, Puducherry.		Member
11	Thiru.R.Manickavasagam, Engineering Assistant, (Representing Superintending Engineer Circle – I)		Member
12	Thiru. M.D.Shanmugavelu, Junior Engineer, Water Works (Representing Executive Engineer, Public Health Division, PWD, Puducherry).	:	Member
13	Thiru. A.Manohar, Commissioner, Nettapakkan Commune, Puducherry.		Member
14	Thiru. R.Thirunavaukarasu, Assistant Engineer, (Representing The Commissioner, Villianur Commune , Puducherry).		Member
15	Thiru.V.Sandane, Junior Engineer, (Representing The Commissioner, Manadipet Commune, Puducherry)		Member
16	Thiru.G.Savoudirarajan, Commissioner, Bahour Commune, Puducherry.		Member
17	Thiru. J.Raguraman, Junior Engineer, (Representing The Commissioner, Ariyankuppam Commune, Puducherry)		Member
18	Thiru. M. Kandar Selvan, Member Secretary, Puducherry Planning Authority, Puducherry.	:	Member Secretary

*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 requesting to revoke the building permit issued to M/s. SCM Clothes (P) Ltd., stating that a part of land to an extent of 1057sqm 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 1057sqm 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

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 Ibrahim.

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 matter based on merits by Puducherry Planning Authority.

Further, regarding the powers of the Puducherry Town and Country Planning Board & 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. In this regard, it is apprised that 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. However, in this case, the Planning parameters as decided by the Town and Country Planning board is well within the provisions of the Puducherry Building Bye laws and zoning regulations, 2012 i.e. coverage is less than 70% and the FAR is restricted to 180 and the setbacks are within the compoundable limits of the Planning Authority as per provisions of Puducherry Building Bye Laws & Zoning, 2012.

L. Narasimha



**Item No. 8, Building Plan approval for the construction of four storeyed residential flats building at R.S.No.239pt, Old door No.40, new Door No.100, T.S.No.12, Ward D, Block 24, Lal Bahadour sasthiri Street, Puducherry Revenue Village, Puducherry Municipality, Puducherry.**

The proposal of Thiru.Karunakar Sahu, power agent of Thiru.Coumar Raja, for construction of four storeyed residential flats building (8 dwelling units) at R.S.No.239pt, Old Door No.40, New Door No.100, T.S.No.12, Block No.24, Ward D, Lal Bahadour Sasthiri 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 submission of structural design basis report and soil report.

The Chairman thanked the members for attending the meeting.

  
**Member Secretary**  
**Puducherry Planning Authority**

  
**Chairman**  
**Puducherry Planning Authority**