

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.22399 of 2016
and WMP.No.19112 of 2016

M/s.Oriental Hydraulics Pvt.Ltd.,
rep. by its Director
Arjun Parthasarathy
No.6/450, Thiruvallur High Road
Alamadhi, Redhills
Chennai-52

...Petitioner

Vs.

- 1 Government of Tamilnadu
rep. by its Secretary to Government
Housing and Urban Development Department
Secretriad, Chennai-9
 - 2 Chennai Metropolitan Development Authority
rep. by its Member Secretary
No.1, Gandhi Irwyn Road
Egmore, Chennai-8
 - 3 Sholavaram Panchayat Union
rep. by its Commissioner
Sholavaram
- ...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on the petitioner's Appeal dated 13.10.2012 expeditiously in accordance with law in the light of the remarks made by the 3rd respondent to the 2nd respondent vide proceedings in R.C.No.1856/89 A3. Dated 13.4.1989 and the remarks of the 2nd respondent dated 13/10/2015 to the 1st respondent for reclassification of land as Industrial use zone in respect of petitioner's S.No.333/4B, 6, 334/1, 2A, 2B of Alamadhi Village by excluding the same from the Redhills catchment area as classified under the second master plan by the 2nd respondent.

For Petitioner : Mr.D.S.Rajasekaran

For Respondents : Mrs.A.Srijayanthi
Special Government Pleader
for R1
Mr.C.Johnson for R2
Mrs.M.E.Rani Selvam,
Government Advocate for R3

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

Heard the learned counsel for the Petitioner, Mrs.A.Srijayanthi, learned Special Government Pleader, appearing for the 1st respondent, Mr.C.Johnson, Standing counsel for the 2nd respondent and Mrs.M.E.Rani Selvam, learned Government Advocate for the 3rd respondent.

2. This Writ Petition is filed praying to issue a Writ of Mandamus to direct the 1st respondent to consider and pass orders on the petitioner's Appeal dated 13.10.2012 in the light of the remarks made by the 3rd respondent to the 2nd respondent vide proceedings in R.C.No.1856/89 A3, dated 13.4.1989 and the remarks of the 2nd respondent dated 20.6.2012 to the 1st respondent for reclassification of land as Industrial use zone in respect of petitioner's S.No.333/4B, 6, 334/1, 2A, 2B of Alamadhi Village by excluding the same from the Redhills catchment area as classified under the second master plan by the 2nd respondent.

3. The case of the petitioner is that the lands bearing Survey Nos.333/4B, 6, 334/1, 2A, 2B of Alamadhi Village, Redhills Village was belonged to M/s.Standard Metal Works and was issued with License to run the industry and the said industry was taken over by the Petitioner Company on 14.05.1974 and the industry was duly approved by local authorities. But, the 2nd respondent, while drafting the second master plan during the year 2008, had inadvertently included the Survey Numbers above mentioned and classified the same along with several other Survey Numbers as Redhills Catchment Area. Thereafter, the Petitioner submitted an application to the 2nd respondent for reclassification with respect to the above Survey Numbers as "Industrial Zone", however, the same was rejected by the 2nd respondent by Letter dated 20.06.2012. The Petitioner requested for review by the 2nd respondent enclosing all relevant documents, which was also rejected by the 2nd respondent in their

letter dated 17.09.2012. Aggrieved by the same, the petitioner had preferred statutory appeal to the 1st respondent under Section 79 of the Town and Country Planning Act, 1971. In the additional typed set of papers filed by the Petitioner, it is seen that the 2nd respondent sent remarks to the 1st respondent by letter dated 13.10.2015, wherein, it is stated that any existing authorized activities may continue in the Redhills Catchment Area (RCA) without expansion and enlargement.

4. The learned counsel appearing for the petitioner submitted that last paragraph of the letter dated 13.10.2015 of the 2nd respondent insist on objection and suggestions on the draft SMP and to the said effect, the petitioner by letter dated 29.12.2014, sought for reclassification of land as Industrial Use Zone in S.No.333/4B, 6, 334/1, 2A, 2B of Alamadhi Villlage from Redhills Catchment Area to Industrial Use zone, but, so far, no action has been taken.

5. Learned Special Government Pleader appearing for the 1st respondent submits that by letter dated 02.09.2015, the Housing and Urban Development Department, called the Petitioner for the personal hearing on 14.09.2015, hence, the objection raised by the Petitioner that no action has been taken by the respondents, is not tenable.

6. Having heard the counsel on either side, it is evident that the Petitioner filed appeal dated 13.10.2012 under Section 79 of the Town and Country Planning Act to the 1st respondent and the 1st respondent also called the petitioner for hearing and in such circumstances, the petitioner is directed to appear before the 1st respondent and put forth all his objections and suggestions with regard to draft SMP and reclassification of land use zone. We also direct the 1st respondent to consider the petitioner's Appeal dated 13.10.2012 and pass orders in accordance with law within 2 months from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

nvsri

To

1 Government of Tamilnadu
rep. by its Secretary to Government
Housing and Urban Development Department
Secretriad, Chennai-9

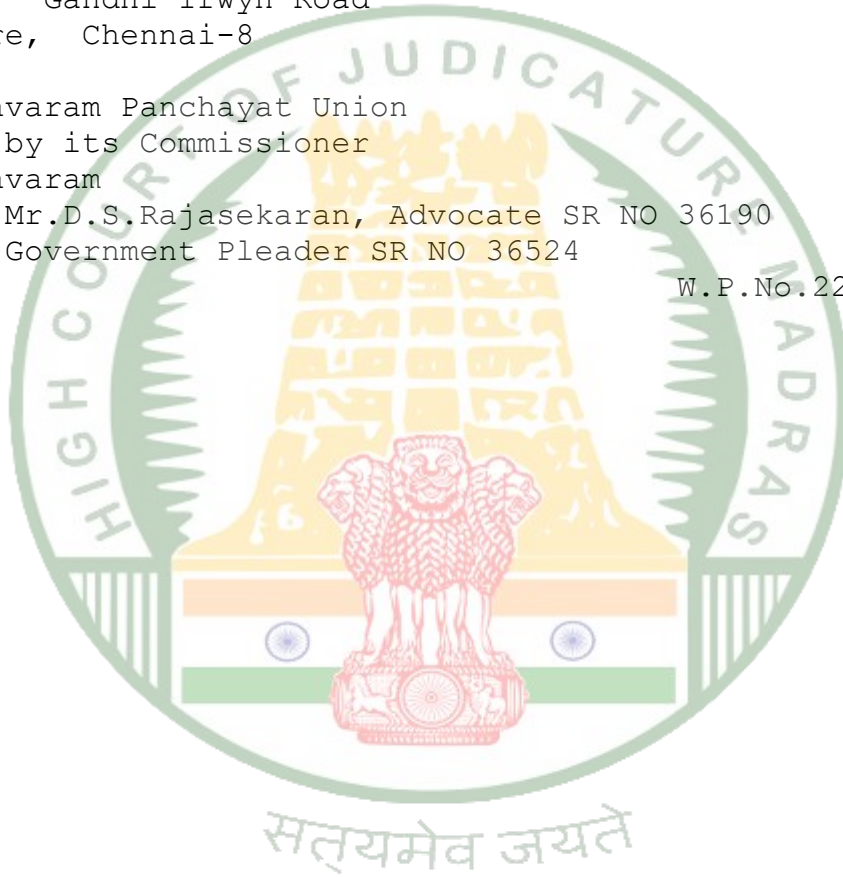
2 Chennai Metropolitan Development Authority
rep. by its Member Secretary
No.1, Gandhi Irwyn Road
Egmore, Chennai-8

3 Sholavaram Panchayat Union
rep. by its Commissioner
Sholavaram

+ 1 CC to Mr.D.S.Rajasekaran, Advocate SR NO 36190
+ 1 CC to Government Pleader SR NO 36524

W.P.No.22399 of 2016

MP1 [CO]
PRK/15.7



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