

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 8590 of 2009 and W.M.P.s 1 & 2 of 2009
and
W.P. 20501 of 2009 and W.M.P.s 1 & 2 of 2009

W.P. 8590 of 2009

1. AUTEAA Morai Industrial Estate Association,
rep. by its Secretary
 2. C.Madhu
 3. K.S.Subramanian
 4. S.P.Chockalingam
 5. J.Vathsala
 6. A.Lakshmanasamy
 7. Sangeetha Subramanian
 8. Saichitra Narayan
 9. S.R.Balasubramaniam
 10. Arunachalam Veerappan
 11. J.D.Prabhakar
 12. T.Gopalakrishnan
 13. E.Vedagiri
- Petitioners

Vs

- 1.The State of Tamil Nadu,
rep. by the Secretary,
Housing and Urban Development
Department, Chennai-600 009.
 - 2.The Member Secretary,
Chennai Metropolitan Development
Authority, Egmore,
Chennai-600 008.
- ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents in Second Master Plan Map No.MPII/CMA(VP) 113/2008 wherein the petitioners' land has been omitted to be mentioned as "Industrial Zone" in the map and quash the same and consequently direct the respondents to prepare and publish a fresh map to include the classification of petitioners' land to an extent of 80.27 acres in S.Nos.290-2, 291-1, 292-2 and 293-3, 294-8, 294-9, 306-1 and 2, 307-2 and 6, 315-1 & 2, 316-2,3,4 and 334-1 in Morai Village, Saidapet Taluk,

Chingleput District as "General Industrial Use Zone".

W.P. 20501 of 2009

1. Manohar Durai
2. Joseph Enoch
3. S.Sathyabama
4. S.Chidambaram
5. T.Ravi
6. K.Rohini
7. Peer Mohamed
8. M.S.Iqubal
9. R.Ramadurai
10. V.Shanmugam
11. C.Sivashanmugam
12. S.K.Raghu
13. A.Venugopal

.... Petitioners

Vs

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rep. by the Secretary,
Housing and Urban Development
Department, Chennai-600 009.
2. The Member Secretary,
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PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents in Second Master Plan Map No.MPII/CMA(VP) 113/2008 wherein the petitioners' land has been omitted to be mentioned as "Industrial Zone" in the map and quash the same and consequently direct the respondents to prepare and publish a fresh map to include the classification of petitioners' land to an extent of 80.27 acres in S.Nos.290-2, 291-1, 292-2 and 293-3, 294-8, 294-9, 306-1 and 2, 307-2 and 6, 315-1 & 2, 316-2,3,4 and 334-1 in Morai Village, Saidapet Taluk, Chingleput District as "General Industrial Use Zone".

For Petitioners : Mr.P.R.Raman, Senior Advocate
for Mr.C.Seethapathy

For Respondents : Mr.A.N.Thambidurai,
Special Govt. Pleader for R-1
Mr.P.S.Ganesh for R-2

C O M M O N O R D E R

1. These Writ Petitions have been filed challenging the second master plan issued by the respondents. As the issue involved in both the Writ Petitions are one and the same, both Writ Petitions are disposed of by this common order.

2. The brief facts of the case leading to the filing of the Writ Petitions are as follows:-

The petitioner in W.P.No.8590 of 2009 is an Association viz., AUTEAA Morai Industrial Estate Association. The petitioners in W.P.No.20501 of 2009 are also the members of the above association, the petitioners Alumni of Annamalai University and Engineering graduates. The petitioners have purchased a vast extent of land measuring 8.27 acres at Morai Village, Saidapet Taluk, Chingleput District in various survey numbers from private parties for the purpose of developing industrial estate therein. At the time of purchase, the lands were classified as agricultural lands. The petitioners after purchase have made several representations to the authority to reclassify the same as industrial estate zone. Subsequently, the authorities reclassified the lands as industrial estate zone, and a notification has been issued in the Government Gazette to that effect on 19.07.1989. After reclassification, the association has plotted the entire extent and conveyed the lands to individual members for putting up industrial units and the members of the petitioners' association also promoting their own industries in the industrial estate. The entire area came to known as AIDCO Industrial Estate and it was inaugurated by the then Chief Minister on 27.06.1990. Thereafter, the lands were reclassified as "general industrial use zone" and it was also duly notified and published in the Government Gazettee. Now, several industries have been came up in that area, and common amenities also provided.

3. It is further stated that the Redhills reservoir is located around 10 kms. away from the above industrial estate and several industrial units are also functioning nearby to the estate SIDCO industrial estate at R.K.Pet, which is only 5 kms. away from the above reservoir. That being so, a draft notification for the second master plan of Greater Chennai was published by the 2nd respondent. The Morai village, in which the petitioners put up industrial estate is classified as "Redhills Catchment Area". Immediately, the petitioners have sent representation to the 2nd respondent to change the classification while issuing the final notification. But, without considering the petitioners' representation, a final notification has been now issued, and the respondents have omitted to mention the area as industrial zone. According to the petitioners, the omission of the area as General Industrial Zone in the second master plan is totally arbitrary and also violative of their rights

guaranteed under Art.14 of the Constitution of India. In the said circumstances, the petitioners came forward to challenge the second master plan.

4. Mr.P.R.Raman, learned senior counsel appearing for the petitioners submitted that as per the original master plan, the lands were classified as "General Industrial Use Zone" and the petitioners were permitted to put up industry. Likewise, many industrial estates came in the Red Hills Catchment area. Apart from that, the Small Industries Development Corporation (SIDCO), a Government of Tamil Nadu undertaking is also having industrial estates in that area. Now, while issuing the second master plan, the area in which the SIDCO developed industries is classified as "General Industrial Use Zone", whereas, the area, in which the petitioners are running the industry alone has been omitted to classify as Industrial Zone. That apart, the respondents have permitted some of the industries to function there on the ground that they got approved plan from Chennai Metropolitan Development Area.

5. Apart from that, while reclassifying the lands, no notice was issued to the petitioners and no enquiry was conducted as contemplated under Tamil Nadu Town and Country Planning Act. The learned counsel appearing for the petitioners has also produced the copy of the order passed by the 1st respondent in and by its proceedings in G.O. (3D) No.59, dated 17.12.2014, wherein the Government granted exemption to SIDCO Industrial Estate in that area.

6. The 2nd respondent has filed the counter affidavit explaining the circumstances under which the reclassification has been made, and contended that, in the above area, nearly 24 villages have been classified as "Redhills Catchment area" including Morai village, where the petitioners are running the industry, and there is no discrimination in the classification. That apart, if the petitioners have any grievance regarding the non-classification of land, and seeking for any modification in the master plan, it is always open to the petitioners to approach the Government under Sec.32 (4) of the Tamil Nadu Town and Country Planning Act, seeking for varying or revoking the master plan, without doing so, the petitioners cannot maintain these Writ Petitions challenging the master plan itself.

7. I have considered the rival submissions and perused the relevant records carefully.

8. As rightly contended by the learned counsel appearing for the 2nd respondent that after issuance of Master Plan, the petitioners have any grievance over the reclassification, it is always open to the petitioners to approach the Government seeking for variation or revocation of the master plan. The petitioners now contending that there is a discrimination in classification of the lands, if it is so, it is only the Government is competent to deal with it and vary the master plan, without approaching the Government seeking for modification, the petitioners cannot challenge the master plan.

9. In the said circumstances, without going into the merits of the case, the petitioners are directed to approach the 1st respondent, and file their objections regarding the reclassification of lands, including the exemption granted to the SIDCO Industrial Estate and exemption granted to the similarly placed industries in that area, and to extend similar relief for the petitioners also. The petitioners are directed to file their objections within a period of four weeks from the date of receipt of the copy of this order, and on receipt of the objections, the 1st respondent is directed to conduct enquiry and pass suitable orders after giving opportunity to the petitioners within a period of six weeks thereafter.

10. In the result, the Writ Petitions are disposed of with the above direction. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpp

To

1.The State of Tamil Nadu,
rep. by the Secretary,
Housing and Urban Development
Department, Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development
Authority, Egmore,
Chennai-600 008.

+1cc to Mr.C.Seethapathy, Advocate, S.R.No.64418

+1cc to Mr.P.S.Ganesh, Advocate, S.R.No.64416

W.P. 8590 of 2009
and

W.M.P.s 1 & 2 of 2009
and

W.P. 20501 of 2009
and

W.M.P.s 1 & 2 of 2009

EV(CO)

rrs 26/10/2018

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