

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. 13989 of 2018

P.Susindra

... Petitioner

Versus

1.The Commissioner & Special Officer,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.

2. The Chennai Metropolitan Development
Authority,
represented by its Member Secretary,
No.1, Gandhi Irwin Road,
Ansari Estate, Egmore,
Chennai-600 008.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the application dated 03.03.2017 made by the petitioner for re-classification of her land situate at Block No.14, measuring an extent of ten grounds, comprised in Survey No.T.S. No.11/2, Thulasi Ram Nagar, Basin Road, Thiruvottiyur, Chennai-600 019 from mixed residential zone to industrial zone and pass orders within a stipulated period.

For Petitioner

: Mr.V.Suthakar

For Respondents

: Mr.T.C.Gpalakrishnan,

Standing Counsel for R1

Mr.S.Thiruvengadam for R2

ORDER

This Writ Petition has been filed seeking for a direction to the respondents to consider the petitioner's application seeking for reclassification of land from mixed industrial zone to industrial zone.

2. The grievance of the petitioner is that in the first master plan, the petitioner's land has been classified as 'industrial zone', and during the second master plan, it has been reclassified as mixed industrial zone. In view of the reclassification, the petitioner is not able to run the industry. Hence, he has made an application to reclassify his land as 'industrial zone'. But, so far, no order has been passed. Hence, the present Writ Petition has been filed by the petitioner.

3. Admittedly, once the land has been reclassified as 'mixed industrial zone' in the master plan, the respondents have no power to reclassify the land, and only the Government has the power under Sec.33 of the Tamil Nadu Town and Country Planning Act to make any variation in the master plan or to reclassify the land, and it is only the Government empowered to reclassify them. In the above circumstances, it is always open to the petitioner to make necessary application to the Government seeking for reclassification. In the result, the Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rpp

To

1.The Commissioner & Special Officer,
Greater Chennai Corporation,
Rippon Buildings, Chennai-600 003.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Ansari Estate, Egmore,
Chennai-600 008.

+1 cc to Mr.V.Sudhakar, Advocate SR.No.88226

+1 cc to Mr.T.C.Gopalakrishnan, Advocate Sr.No.88255

+1 cc to Mr.S.Thiruvengadam, Advocate SR.No.88516

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GJ(CO)

CSL/26.02.2019