

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.04.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 14294 of 2019

Sri Sowbhagya Estates
Rep. by its Managing Partner
Tmt. Kancherla Bala Saroja Bindu Rekha
Pydikondala Street
Yanam, Union Territory of Puducherry.

... Petitioner

Vs.

1. Union Territory of Puducherry
Rep. by its Chief Secretary
Chief Secretariat, Goubert Avenue
Puducherry - 605 001.
2. The Chief Town Planner
Town and Country Planning Department
Government of Puducherry
Jawahar Nagar, Bhoomianpet
Puducherry - 605 005.
3. The Member Secretary
Yanam Planning Authority
Yanam - 533 464
Union Territory of Puducherry.

.... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents to pass necessary orders to reclassify the land zone owned and enjoyed by the Petitioner since 2006, from Industrial Zone into Residential Zone situated in T.S.No.C/7/17/1 and T.S. No.C/7/17/3 measuring totally about 16,310 square meters (16,050 sq. mt. in T.S. No.C/7/17/1 and 260 sq.mt. in T.S.No.C/7/17/3) at Industrial Zone, Mettacur, Yanam, Union Territory of Puducherry.

For Petitioner : Mr. S.Doraisamy

For Respondents : Mr. Stalin Abimanyu (For R1 to R3)
Additional Government Pleader (Pondy)

O R D E R

This Writ Petition has been filed for a direction to the Respondents to pass necessary orders to reclassify the petitioner's land in T.S.Nos.C/7/17/1 and C/7/17/3 measuring to a total extent of 16,310 square meters (16,050 sq. mt. + 260 sq. mt. respectively) situated at Industrial Zone, Mettacur, Yanam, Union Territory of Puducherry, from Industrial Zone to Residential Zone.

2.It is the case of the petitioner that they are having a piece of industrial land at Mettacur, Yanam, Union Territory of Puducherry in T.S.No.C/7/17/1 (16,050 sq.mt), T.S.No.C/7/17/3 (260 sq.mt), T.S.No.A/9/28 (5080 sq.mt) and T.S.No.A/9/39/1 (400 sq.mt), which was acquired by way of sale deed bearing Doc.No.177 of 2006 dated 06.01.2006 on the file of SRO, Yanam and adjoining to their land, the major portion of the industrial lands owned by neighbouring owners have been converted into house sites. Since the petitioner has been facing severe financial crisis, they wanted to convert the portion of their land to an extent of 16.050 sq.mt in T.S.No.C/7/17/1 and 260 sq.mt in T.S.No.C/7/17/3 from industrial zone to residential zone. Hence, they submitted an application for reclassification to the 2nd respondent and also appeal in Form V (Rule - 66) on 24.06.2015. Since no order was passed in the said application, the petitioner made reminder on 27.03.2019 requesting for land conversion, to which, they received a reply from the second respondent stating that the request would be considered after the election codal procedures are over. Even thereafter, the request of the petitioner was not considered by the second respondent. Therefore, this writ petition.

3.The learned counsel for the petitioner submitted that as per the prevailing situation, the petitioner submitted application / appeal dated 24.06.2015 in the prescribed format for reclassification of the subject land; after consideration of the same, necessary enquiry was conducted and the Sub Committee has also filed its report to the second respondent. Hence, the learned counsel prayed for a direction to the respondent authorities to pass orders with regard to the claim of the petitioner, at the earliest.

4.Heard the learned Additional Government Pleader appearing for the respondents, who fairly submitted that the respondent authorities would consider the claim of the petitioner and pass orders, on merits, within a time frame to be stipulated by this Court.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without expressing any opinion on the merits of the case, directs the respondents 2 and 3 to consider the application / appeal dated 24.06.2015 filed by the petitioner relating to reclassify the subject land from industrial zone to residential zone, and pass appropriate orders, on merits and in accordance with law and also in the light of the enquiry report if any, submitted by the competent authority, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Maya
To

1. The Chief Secretary
Chief Secretariat, Goubert Avenue
Puducherry - 605 001.
2. The Chief Town Planner
Town and Country Planning Department
Jawahar Nagar, Bhoomianpet
Reddiarpalayam, Puducherry - 605 005.
3. The Member Secretary
Yanam Planning Authority
Yanam, Puducherry UT - 533 464.

+1cc to Mr.Doraisamy, Advocate SR.No. 24561

W.P. No. 14294 of 2019

MG(CO)
A.SK(08.07.2021)

WEB COPY