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WP No. 41521 of 2025



DATED: 12-11-2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 41521 of 2025

and

W.M.P.No.46507 of 2025

M/s.G R Thangamaligai
Rep By Its Partner G.Rajendran, Old
No.4, New No.27, Rangan Street,
T.Nagar, Chennai-600 017

Petitioner(s)

Vs

Chennai Metropolitan Development
Authority
Rep By Its Member Secretary, No.1,
Gandhi Irwin Road, Egmore,
Chennai-600 008

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the proceedings in Letter No.R2/12672/2022 dated 28.8.2025 of the respondent and quash the same and



direct the respondent to reclassify the land of the petitioner comprised in T.S.No.5508 and 5509, Block No.127, at T.Nagar Village, Guindy Taluk, Chennai District from Primary Residential Use Zone to Commercial Use Zone.

For Petitioner : Ms.Ramya Muralikrishnan
For M/s.MCGAN Law Firm

For Respondent(s) : Mr.V. Sudalai Selvan

ORDER

Heard Ms.Ramya Muralikrishnan, learned counsel for the petitioner and Mr.V.Sudalai Selvan, learned counsel for the respondent.

2. The petitioner is the owner of the land bearing T.S.Nos.5508 and 5509, situated in Block No.27 of T. Nagar Village, Guindy Taluk, Chennai District. This area is classified as a Primary Residential Zone. The petitioner has filed an application, seeking reclassification of his land to Commercial Use Zone. The application was filed on 24.08.2022. The petitioner also remitted a scrutiny fee of Rs.30,000/-, and publication charges of Rs.35,000/- on 24.08.2022.



3. On receipt of the proposal, the site was inspected and it was observed that the first floor of the existing building has been used for office purposes and the second floor for hostel purposes. As required by the rules, the CMDA made a publication in the “New Indian Express” and Tamil Daily “Dinakaran” on 19.11.2022, calling for objections from the general public, as regards the petitioner’s request for reclassification.

4. One Mr. R.Mohan objected to the reclassification, stating that the issue has already been covered by a judgment of this Court, titled ***R.Mohan vs. The State of Tamil Nadu*** in ***W.P. No. 4533 of 2018*** dated ***21.03.2018***. On receipt of the objections, the Superintending Engineer, Town Planning Department, had furnished his remarks, as regards the reclassification proposal. Thereafter, The Executive Engineer, Greater Chennai Corporation, also issued a demolition notice for the existing construction. The petitioner alleges that the respondent has returned the reclassification application as unapproved, despite the recommendations of the local body and the technical committee. Hence, the



writ petition.

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5. Mr.V. Sudalai Selvan states that, on account of the order passed by this Court referred to above, the application for reclassification was not considered.

6. I have gone through the order referred to by Mr.Sudalai Selvan. The same was enclosed in the typed set of papers in Page No.33. That writ petition did not pertain to reclassification but was one seeking demolition of unauthorized construction, that had been carried on by the writ petitioner herein.

7. When the matter came up for final hearing before the Division Bench, the Court recorded the following and disposed of the writ petition:

“6. Since the 6th Respondent has filed an Affidavit that the ongoing construction is meant only for Staff Quarters and the same will not be used for commercial purpose, no further adjudication is required in this Writ Petition. It is needless to observe that if there are any deviations, it is open to the authorities to take action in accordance with law, after putting the complainant on notice. The authorities concerned shall follow the directions issued by this Court



in W.P.No.14520 of 2017 vide order dated 09.01.2018.”

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8. A reading of this paragraph shows that the Court had directed the premises to be used only as staff quarters, and not for any commercial purpose. This has no connection with the request of the petitioner to reclassify his land from Primary Residential Zone to a Commercial Use Zone. The Court has not enjoined CMDA from considering the application. It is one thing to state that the building is unauthorized and another to state that the said order bars exercise of statutory powers of reclassification.

9. If the building is unauthorized, the CMDA or the local body are not precluded from taking action against the same. Even if the building is pulled down and the land is restored to its original position, the petitioner would still be entitled to process his application for reclassification. Since the impugned order merely refers to the order passed in W.P. No. 4533 of 2018 to dispose of the application, it reflects the patent non-application of mind.

10. The order, returning the application dated 28.08.2025, is quashed. The



application proceedings shall stand restored on the file of the respondent. The respondent shall consider the application for reclassification in accordance with law. It is needless to add that the same procedure for publication and calling for objections shall be gone through, including hearing of the petitioner, the objector, Mr. R.Mohan or any other interested person.

11. After this exercise, the respondent shall pass appropriate orders on the application. Eight weeks time is granted to carry out this exercise.

12. This writ petition is ordered. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12-11-2025
(2/2)

kak

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.Chennai Metropolitan Development

Authority

Rep By Its Member Secretary, No.1,



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V.LAKSHMINARAYANAN, J.

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