

Expropriation: State and Municipal Competence – Social Interest – Urbanization Plan – Rural Area – Industrial District – Private Resale

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Abstract

the company De Distritos Industriais de Minas Gerais – CDMIG, a company under the State's share control and created by it to design, implement and manage industrial areas, as well as all its services and support equipment; to publicize and promote industrial centers in the State; technically advising the State and Municipal Governments on the matter, and controlling environmental pollution caused by industries, especially in industrial areas, in accordance with federal and state standards, proposes substantial consultation on the following questions: I - Expropriation is exclusive to the Union out of social interest or can states and municipalities also enact it? II – States and municipalities may decree expropriation of rural property with the aim of carrying out an “urbanization plan” and subdivisions, in view of constituting an industrial district? III – The absence of specific reference to the constitution of industrial districts in the exhaustive list of cases that authorize expropriation, contained in Decree-law no. 3,365, of 06.21.1941, inhibits the State and municipalities from expropriating for this purpose? IV - Is it unconstitutional, illegitimate, or does it constitute a misuse of power, expropriation made for the acquisition of goods that should, in the end, be transferred to the private domain, including through sales susceptible of proportional profit? V – The Co. of Industrial Districts of Minas Gerais can, based on an authorizing decree, promote expropriations, decreed by the State or by municipalities on grounds of public utility and/or social interest, in order to constitute industrial districts? contained in Decree-Law no. 3,365, of 06.21.1941, inhibits the State and municipalities from expropriating for this purpose? IV - Is it unconstitutional, illegitimate, or does it constitute a misuse of power, expropriation made for the acquisition of goods that should, in the end, be transferred to the private

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References

MELLO, Celso Antônio Bandeira de. Expropriation: State and Municipal Competence – Social interest – Urbanization plan – Rural area – Industrial district – Resale to individuals [Opinion]. *Journal of Administrative Law and Infrastructure - RDAI*, São Paulo, v.6, n.21, abr./jun. 2022

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