



a BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **05.09.2017**

CORAM:

THE HONOURABLE **MR. JUSTICE K.KALYANASUNDARAM**
W.P. (MD) No.15918 of 2017

WEB COPY

Diocese of Tanjore Society,
Represented by its Secretary,
John Zacharias,
S/o. Antony Samy,
Bishop's House,
Post Box-204,
Thhanjavur-613 007.

...Petitioner

-Vs-

1. The Director,
Town and Country Planning,
No: 807, Annasalai,
Chennai - 600 002.
2. The Member Secretary,
Thanjavur Local Planning Authority,
33, Rajappa Nagar,
Medical College Road,
Thanjavur - 613 007.

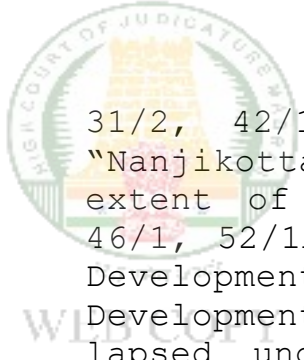
...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents No.1 and 2 to release the Petitioner's diocese land extent of 23.58.00 Hectors in Survey Numbers: 30, 31/1B, 31/2, 42/1A, 43/1, 43/2, 54, 55 and 56/2 earmarked for the "Nanjikottai Detailed Development Plan No.1" and the properties extent of 16.58.00 Hectors in Survey Numbers: 29, 45/1, 45/2, 46/1, 52/1A, 52/2A and 53 earmarked for the "Nanjikottai Detailed Development Plan No.2" treating the "Nanjikottai Detailed Development Plan No.1 and 2" of Thanjavur Local Planning area as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act 1971.

For Petitioner	: Mr.R.Karunanidhi
For Respondents	: Mr.G.Muthukannan Government Advocate

ORDER

The prayer sought for in this writ petition is to direct the Respondents No.1 and 2 to release the Petitioner's diocese land extent of 23.58.00 Hectors in Survey Numbers: 30, 31/1B,



31/2, 42/1A, 43/1, 43/2, 54, 55 and 56/2 earmarked for the "Nanjikottai Detailed Development Plan No.1" and the properties extent of 16.58.00 Hectors in Survey Numbers: 29, 45/1, 45/2, 46/1, 52/1A, 52/2A and 53 earmarked for the "Nanjikottai Detailed Development Plan No.2" treating the "Nanjikottai Detailed Development Plan No.1 and 2" of Thanjavur Local Planning area as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act 1971.

2. The petitioner would state that on 13.04.2005, Nanjikottai Detailed Development Plan No.1 and on 22.06.2011, Nanjikottai Detailed Development Plan No.2 have been prepared by the respondents and the petitioner's lands were also earmarked and a publication in Government Gazette was issued in G.O.No.23, dated 22.06.2011.

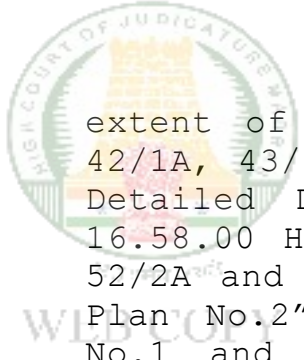
3. The petitioner would claim that pursuant to the notification, the respondents have not taken any steps to acquire the lands, nor issued any notice for acquisition of lands under sections 36 and 37 of the Act. Since no action was taken for a period of three years, as per the section 38 of the Act the entire proceedings lapsed. Hence, the petitioner made representations to the 2nd respondent, dated 16.08.2017 and 18.08.2017 requesting them to release the land. Since, no order was passed, the present writ petition has been filed for the relief as stated supra.

4. Mr.R.Karunanidhi, learned counsel for the petitioner would submit that in similar facts in respect of the notification issued for Kochadai Detailed Development Plan No.3, the land owner in respect of the land in old Survey No.79/1 (Town Survey No.17/1B) in Kochadai village, filed a writ petition in W.P.(MD) No.4753 of 2017 (**P.Babu vs. The Director, Town and Country Planing, Chennai and another**) by relying on the earlier passed by the Division Bench of this court reported in **(2011) 8 MLJ 437 [Commissioner, Aruppukottai Municipality vs. K.S.Kamakshi Chetty ad others]** directed the respondents therein to release his lands. The order passed by this court would squarely apply to the facts of this case.

5. Mr.G.Muthukannan, learned Government Advocate appearing for the respondents has not disputed the proposition suggested by the learned counsel appearing for the petitioner.

6. Considering the submissions made on either side and also keeping in mind the earlier order passed by this court in similar matter, I am of the opinion that the petitioner is entitled for the relief sought for in the writ petition.

7. In that view, the writ petition is allowed. The respondents are directed to release the Petitioner's diocese land



extent of 23.58.00 Hectors in Survey Numbers: 30, 31/1B, 31/2, 42/1A, 43/1, 43/2, 54, 55 and 56/2 earmarked for the "Nanjikottai Detailed Development Plan No.1" and the properties extent of 16.58.00 Hectors in Survey Numbers: 29, 45/1, 45/2, 46/1, 52/1A, 52/2A and 53 earmarked for the "Nanjikottai Detailed Development Plan No.2" treating the "Nanjikottai Detailed Development Plan No.1 and 2" of Thanjavur Local Planning area" by passing a specific order within a period of two weeks from the date of receipt of the order copy and communicate the same to the petitioner. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Director,
Town and Country Planning,
No: 807, Annasalai, Chennai - 600 002.
- 2.The Member Secretary,
Thanjavur Local Planning Authority,
33, Rajappa Nagar,
Medical College Road, Thanjavur - 613 007.

+1cc to M/S., R.KARUNANIDHI Advocate SR.No.76572
+1cc to Special Government Pleader, SR.No. 76918

sm

MAS/RSK/SAR1:12.09.2017:3P-5C

W.P. (MD) No.15918 of 2017
05.09.2017