



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.10913 of 2019

P.N.Ramalingam

... Petitioner

Vs

1.The Director,
Tamilnadu Town and Country Planning,
807, Anna Salai,
Chennai - 600 002.

2.The Deputy Director,
Town and Country Planning,
Thanjavur Zone,
No.33, Rajappa Nagar 4th Street,
Medical College Road,
Thanjavur - 613 007.

3.The Member Secretary,
Local Planning Authority,
Nagapattinam,
Nagapattinam District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pass appropriate orders releasing the land in TS.Nos.645/1A2, 645/3A, 646, 647/1B, 647/1A2, 647/1A1B, 651, 652/4, 649/1, 649/2, 649/5 to an extent of 17047.50 sq meters, Nagapattinam Town and District from the detailed development Plan No.4, in D.D.P. (TT).No.15/1986 in terms of the provisions of Tamilnadu Town and Country Planning Act 1971 within a time frame fixed by this Court.

For Petitioner : Mr.B.Saravanan

For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

Heard the learned counsel on either side. By consent of both parties this writ petition is taken up for final disposal at the admission stage itself.

2.The property in question is located in Nagapattinam Town limits. This Court wanted to know as to how this writ petition is maintainable before this Court. The learned counsel for the petitioner pointed out that the competent authority is only the second respondent and that therefore this Court is very much having the jurisdiction.



3.The petitioner points out that the land in question was covered under the detailed development plan of the year 1986 and earmarked for public purpose. But then, the authorities did not follow up the matter by initiating acquisition proceedings. Since the acquisition proceedings have not been taken into within a period of three years as per Section 38 of the Tamilnadu Town and Country Planning Act, 1971, the land is deemed to have released. But then, the petitioner points out that the authorities are insisting on a formal declaration of release. That is why, he is constrained to file this writ petition. The petitioner has given an representation dated 16.04.2019 to the second respondent. The second respondent shall take action on the said representation by bearing in mind the mandate set out under Section 38 of the Act. If the second respondent has to forward the proposals to the first respondent, the same shall be done without any delay.

4.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Director,
Tamilnadu Town and Country Planning,
807, Anna Salai,
Chennai - 600 002.

2.The Deputy Director,
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3.The Member Secretary,
Local Planning Authority,
Nagapattinam,
Nagapattinam District.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-64154[F] dated 30/04/2019)

+1 CC to M/s.SPL GP (SR-64666[F] dated 30/04/2019)

W.P. (MD) No.10913 of 2019

IAS

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