



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 08.04.2019

CORAM:

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

W.P. (MD) No.17303 of 2015

S.Srinivasan

... Petitioner

Vs

1.The Director of Town & Country Planning,
Chennai.

2.The Member Secretary,
Madurai Local Planning Authority,
Madurai.

3.The Commissioner,
Madurai Corporation,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to release the petitioner's land in Re-Survey No.114/1 & Re-Survey No.110/2 situated in Madakkulam village, Madurai South Taluk & District, by treating the "South West Extension Detailed Development Plan Part VII" of Madurai Local Planning Area as lapsed under Section 38 of Tamil Nadu Town & Country Planning Act 1971 (Tamil Nadu 35 of 1974).

For Petitioner : Mr.N.Sathish Babu
For Respondents : Mr.M.Rajarajan
Government Advocate for R1
: Mr.R.Murali for R2 & R3

ORDER

The writ petitioner's petition mentioned land was shown as road in the detailed development plan. But then, after so indicating in the plan, the authority must have taken recourse to acquisition proceedings. They did not do so. Therefore, as per statutory mandate set out under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the land stands released. In this case, admittedly no such acquisition proceedings were initiated by the respondents. Therefore, the subject land is deemed to have been released. Since this Court has declared the said land stands



released, there is no need for the respondents to issue any formal proceedings in this regard.

2.The writ petition stands allowed in these terms. No costs.

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Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To:

The Director of Town & Country Planning,
Chennai.

+1cc to Mr.N.SATHISH BABU, Advocate, SR.No.59924

+1cc to Mr.R.MURALI, Advocate, SR.No.59781

+1cc to M/s.Special Government Pleader,SR.No. 59891

W.P. (MD) No.17303 of 2015

IAS

KK/SAR/26.04.2019/ 2P- 5C

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