



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5894 of 2020

1.M.Ramamoorthy
2.M.Vishvanathan
3.M.Raghunathan
4.M.Balasubramanian
5.M.Gopinathan
6.M.Jeganathan
7.M.Senthilnathan

... Petitioners

Vs

1.The Director,
Town and Country Planning,
No.807, Anna Salai, Chennai.

2.The Commissioner,
Madurai Corporation, Madurai, Madurai District.

3.The Member Secretary,
Madurai Local Planning Authority,
3rd Floorm Madurai Corporation, Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, to declare the reservation made in respect of the petitioners' land to an extent of 1 Acre and 31 Cents situated in Survey Nos.113/3B1, 113/13B2, 113/13B3, 113/13B4, 113/13B5, 113/13B6, 113/13B7 and 113/13A, Tiruppalai Village, Madurai, Madurai District, forming part of the Madurai Local Planning Area, Thiruppalai Detailed Development Plan Part-II, 2000 to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act. 1971 (TNAct 35 of 1972).

For Petitioner : Mr.M.Ajmal Khan Senior Counsel
for M/s. Ajmal Associatexs

For Respondents : Mr.C.Ramesh
Special Government Pleader

ORDER

This writ petition has been filed to declare the reservation made in respect of the petitioners' land measuring to an extent of 1 Acre and 31 Cents situated in Survey Nos.113/3B1, 113/13B2, 113/13B3, 113/13B4, 113/13B5, 113/13B6, 113/13B7 and 113/13A at Tiruppalai Village, Madurai, Madurai District, forming part of the Madurai Local Planning Area, Thiruppalai Detailed



Development Plan Part-II, 2000, to have lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972).

2. Heard Mr.M.Ajmal Khan, learned Senior Counsel for M/s. Ajmal Associates, appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents.

3. On the last hearing date, i.e., on 28.10.2020, the learned Special Government Pleader appearing for the respondents sought time to get instructions as to whether the land acquisition proposals with regard to the aforesaid lands have been dropped or not.

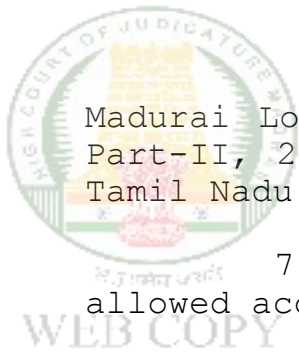
4. Today, Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents, on instructions, would submit that the land acquisition proposals pertaining to the aforementioned lands have been dropped. In such circumstances, Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, (Tamil Nadu Act 35 of 1972) gets attracted. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, (Tamil Nadu Act 35 of 1972), reads as follows:-

'38.Release of land:- If within three years from the date of the publication of the notice in the Tamil Nadu Government Gazette under Section 26 or Section 27-(a) no declaration as provided in Sub-Section (2) of Section 37 is published in respect of any land reserved, allotted or designated for any purpose specified in a regional plan, master plan, detailed development or new town development plan covered by such notice; or

(b).Such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.'

5. In the case on hand, the publication was effected in the year 2000. Thereafter, no proceedings have been initiated by the respondents in respect of the lands in question. In such circumstances, the notification under the Madurai Local Planning Area Thiruppalai Development Plan Part-II shall be deemed to have been lapsed. Therefore, the prayer sought for in this Writ Petition will have to be necessarily granted to the petitioner.

6. Accordingly, this Court declares that the reservation made in respect of the petitioner's land measuring to an extent of 1 Acre and 31 Cents situated in Survey Nos.113/3B1, 113/13B2, 113/13B3, 113/13B4, 113/13B5, 113/13B6, 113/13B7 and 113/13A at Tiruppalai Village, Madurai, Madurai District, forming part of the



Madurai Local Planning Area, Thiruppalai Detailed Development Plan Part-II, 2000 shall stand lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act. 1971 (TNAct 35 of 1972).

7.With the above observations, this Writ Petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Assistant Director,
Mines and Minerals,
Madurai District.
- 2.The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.1893 of 2020
- 3.The Tahsildar,
Melur Taluk, Madurai District.

+1 CC to SGP (SR-19896[F] dated 13/10/2020)

W.P. (MD)No.5894 of 2020

12.10.2020

SSS(CO)

NR (20/10/2020) 3P : 5C