



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7382 of 2020

P.Jeyakumar

...Petitioner

Vs.

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

2.The Member Secretary,
Madurai Local Planning Authority,
Madurai Corporation Campus,
3rd Floor, Arignar Anna Maligai,
Madurai 625 002,

3.The Commissioner,
Corporation of Madurai,
Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the petitioner's house plot to an extent of 1 acre 14 cents in resurvey No.15/1B2(15/1B), situated in Kochchadai Village, Madurai West Taluk, Madurai District from the project called "Kochchadai Detailed Development Plan Part-4" treating the same as lapsed under Section 38 of the Tamil Nadu Town & Country Planning Act, 1971, by considering the representation given by the petitioner dated 02.05.2020 & 21.05.2020.

For Petitioner	: Mr.N.Sathish Babu
For R1 & R2	: Mr.M.Rajarajan Government Advocate
For R3	: Mr.T.S.Mohammed Mohideen

ORDER

Heard the learned counsel on either side.

2.The writ petitioner's petition mentioned land was shown as road in the detailed development plan. The plan was notified way back in the year 2004. But thereafter, no acquisition



proceedings were initiated. Therefore, as per statutory mandate set out under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the land stands released. Section 38 of the said Act reads as under:

"Section 38. Release of land

If within three years from the date of 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 plan 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."

3. Therefore, in view of the failure on the part of the respondents to take acquisition proceedings, the subject land is deemed to have been released. Since this Court is only applying the statutory mandate, there is no need for the respondents to issue any formal proceedings in this regard. This Court itself declares that the petition mentioned land stands released.

4. The writ petition stands allowed on these terms. No costs.

Sd/-

Assistant Registrar (CS-II)

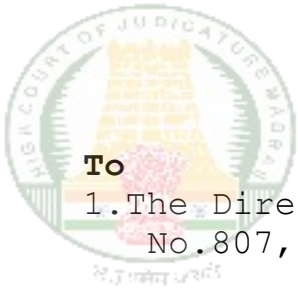
// True Copy //

/ /2020

Sub Assistant Registrar (CS)

msa

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

2.The Member Secretary
Madurai Local Planning Authority
Madurai Corporation Campus
3rd Floor, Arignar Anna Maligai
Madurai 625 002

+1 CC to M/s.T.S. MOHAMED MOHIDHEEN, Advocate (SR-13743[F] dated
06/08/2020)

W.P. (MD) No.7382 of 2020
04.08.2020

smv (CO)

TR(13.08.2020) 3P 4C