



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.10673, 10674, 10676 & 10678 of 2020

M.Gopinath ... Petitioner in W.P. (MD).No.10673 of 2020
R.Kalidasan ... Petitioner in W.P. (MD).No.10674 of 2020
R.Jancyrani ... Petitioner in W.P. (MD).No.10676 of 2020
R.Deebaniranjana ... Petitioner in W.P. (MD).No.10678 of 2020

Vs.

- 1.The Director
Town and Country Planning,
No.807, Anna Salai
Chennai.
- 2.The Commissioner
Trichy Corporation,
Trichy,
Trichy District.
- 3.The Assistant Director of Town and Country Planning,
Local Planning Authority Corporation,
Trichy,
Trichy District. ... Respondents in all the writ petitions

Common Prayer in all the four writ petitions : Writ petitions are 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 5.5 cents (2400 Sq.Ft) situated in Plot No.17, 5.5 cents (2400 Sq.Ft) situated in Plot No.18, 9.28 cents (4045 Sq.Ft) situated in Plot No.13 and 9.25 cents (4032 Sq.Ft) situated in Plot No.12 in Survey No.143/5, Kotapattu Village, Sempattu Golden Rock Municipality, Trichy, Trichy District forming part of the Trichirapalli Local Planning Area Detailed Development Plan Part-II, 1996 had lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act 1971 (TN Act 35 of 1974), respectively.



In all writ petitions
For Petitioner

: Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents 1 & 3

: Mr.C.Ramar
Additional Government Pleader

For 2nd Respondent

: Mr.N.S.Karthikeyan
Standing counsel

COMMON ORDER

Heard the learned counsel on either side.

2. The petitioners are purchasers of housing plots mentioned in these writ petitions. The plots have been ear-marked for certain purposes in the detailed Development Plan. The gazette notification was made in the year 1996. If so, the authorities ought to have taken consequential acquisition proceedings within three years from the date of publication of the notification. In the case on hand, no such consequential steps have been taken. Therefore, the statutory mandate set out in Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, will automatically kick in.

3. Section 38 of the said Act reads as follows :

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"

4.It is not in dispute that in view of the non-acquisition of the lands covered in the notification within the period stipulated in the statute, there would be a deemed release of the lands. The reservation made under the Detailed Development Plan automatically lapses by the operation of the aforesaid statutory



provision. The petitioners are therefore, entitled to the declaration sought for. The petition mentioned lands are declared to have been released from the reservation made in the Detailed Development Plan.

5. These Writ Petitions are allowed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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

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

2.The Commissioner

Trichy Corporation,
Trichy,
Trichy District.

3.The Assistant Director of Town and Country Planning,

Local Planning Authority Corporation,
Trichy,
Trichy District.

+1 CC to M/s.Special Govt.Pleader (SR-18344[F] dated 29/09/2020)

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10676 & 10678 of 2020
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SDS (14.10.2020) 3P-5C

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