



WEB COPY

WP.(MD)No.166 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2021

CORAM

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

W.P.(MD)No.166 of 2021

Nagendran

: Petitioner

Vs.

1.The Director of Town and Country Planning,
807, Anna Salai, Chennai.

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

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Declaration, to declare the reservation made in respect of the land in Revenue Survey No.27/1A in the Siruthur Detailed Development Plan, Part III and Revenue Survey No.7/1C in the Siruthur Detailed Development Plan Part I to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN Act 35 of 1974).

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

Heard the learned Counsel appearing on either side.

2.The petition mentioned land was included in "1999 Mathichiyam Detailed Development Plan", as the scheme road. But, then, the consequential acquisition proceedings were not taken. Therefore, as rightly contended by the learned Counsel for the petitioner, Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, would come into play.

3.Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, 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 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.Applying the aforesaid provision, the petitioner is entitled to the declaration as sought for. This Court declares that the reservation made in respect of the petition mentioned land stands lapsed in the light of the aforesaid statutory provision. The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The Director of Town and Country Planning,
807, Anna Salai, Chennai.

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

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