



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.205 of 2021

K.Marimuthu

... 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 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation made in respect of the petitioner's land, in Revenue Survey Nos.80/9A, 9B1, 81/1A1 and 1A1A, Virahanur Village, Madurai Sough Taluk, Madurai in the Virahanur Detailed Development Plan 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.Mohaboob Athiff.M

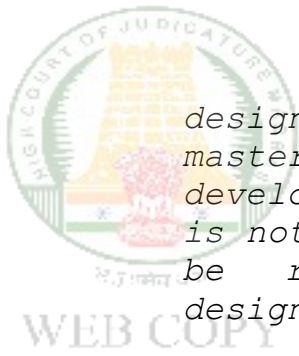
For Respondents : Mr.G.Arjunan,
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petition mentioned lands belonging to the petitioner were notified in Virahanur Detailed Development Plan published in the year 2002 as scheme road. There is no dispute about the fact that consequential acquisition proceedings were not taken. Therefore, Section 38 of the Tamil Nadu Town and Country Planning Act will definitely come into play. Section 38 of the said Act 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."

3.The learned Government Advocate for the respondents has filed his written instructions. In the written instructions submitted by the respondents, the averments of the petitioner have not at all been controverted. Therefore, the petitioner is entitled to the declaration sought for. This Court declares that the reservation made in respect of the petition mentioned lands stands lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971, (TN Act 35 of 1974).

4.The writ petition stands allowed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
807, Anna Salai, Chennai.

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

+1 CC to SPL GP (SR-3327[F] dated 04/02/2021)

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