



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11615 of 2021

WEB COPY

S.Kaiser Shaik,
(*)S/o.Late Shaik Serajudeen,
Represented by his Power of Attorney,
Muhammatha,
W/o.late Shaik Serajudeen,
No.1, Rahman Nager,
Nanjikottai Road,
Thanjavur District.

... Petitioner

Vs.

1.The Director,
Directorate of Town and Country Planning,
Second, Third and Fourth Floor,
E & C Market Road,
Koyembedu,
Chennai - 600 107.

2.The Member Secretary,
Thanjavur Local Planning Authority,
NO:5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur - 613 001.

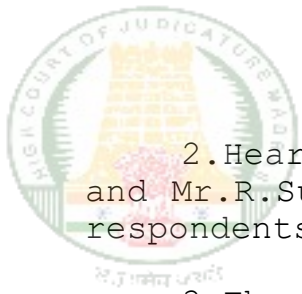
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents No.1 and 2 to release the petitioner's land with an extent of 4 acres 94 cents in Survey Number 238, situated at Nanjilkottai Village, Thanjavur district earmarked for the "Nanjilkottai Detailed Development Plan No.3" by treating the " Nanjilkottai Detailed Development Plan No:3" as lapsed under section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : R.Karunanidhi
For Respondents : Mr.R.Suresh Kumar,
Government Advocate

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's land, which was earmarked for the "Nanjilkottai Detailed Development Plan:3" by treating the said plan as lapsed under section 38 of the Tamil Nadu Town and Country Planning Act,



2. Heard Mr.R.Karunanidhi, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Counsel appearing for the respondents.

3. The issue involved in the present writ petition is squarely covered by the order passed by this Court in W.P.(MD).No.8515 of 2021, dated 25.06.2021. The relevant portions of the order are extracted hereunder:

"6. This Court has consistently held that if the land has not been acquired within a period of three years from the date of publishing the detailed development plan in the Gazette, the concerned lands shall be deemed to be released from such reservation. It will be beneficial to provide the details of the cases, wherein this Court had reached such a conclusion:

1. **M.Amsavalli v. Director of Town and Country Planning** reported in (2017) 2 CWC 418.

2. **RM.Shanmuganathan v. Director of Town and Country Planning** reported in (2018) 2 CWC 20;

3. W.P.(MD) No.5652 of 2019 (LKS Mohammed Meera Mohaideen v. Director of Town and Country planning ;

4. W.A(MD) No.485 of 2020 (The Director of Town and Country Planning and another v. Muthu and others) and

5. W.P.(MD) No.166 of 2021 (Nagendran v. The Director of Town and Country Planning).

7. In the present case, the detailed development plan was notified under Section 31 of the Act in the year 2006. However, the respondents failed to take any steps to acquire the land and therefore, by operation of Section 38, the scheme lapsed."

4. In the result, the property belonging to the petitioner is deemed to have been released from the "Nanjilkottai Detailed Development Plan:3", since it has lapsed under Section 38 of the Act. Hence, there shall be a direction to the respondents to release the petitioner's land earmarked for the "Nanjilkottai Detailed Development Plan:3".



5.This writ petition is allowed with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

(*) Amended as per order of this Court in WP(MD)No.11615 of 2021 on 25.10.2021

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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

(*)Substitute order copy already despatched on 30.07.2021

1.The Director,
Directorate of Town and Country Planning,
Second, Third and Fourth Floor,
E & C Market Road, Koyembedu,
Chennai - 600 107.

2.The Member Secretary,
Thanjavur Local Planning Authority,
NO:5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur - 613 001.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-32525[F] dated 26/10/2021)

+1 CC to M/s.SPL GP (SR-32575[F] dated 26/10/2021)

**W.P. (MD) .No.11615 of 2021
13.07.2021**

RKN (29.07.2021) 3P 5C
RS/JGB (01.11.2021) 3P 5C