



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2021**

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.12562 of 2021

Shanmugavadiivu

... Petitioner

Vs.

1.The Director

Town and Country Planning,
No.807, Annasalai,
Chennai - 600 002.

2.The Member Secretary,

Thanjavur Local Planning Authority,
No:5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur - 613001

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents No.1 and 2 to release the Petitioner's land with an extent of 1800 Sq.feet in Survey Number: 211/1, 211/3A Part and 212/1D Part situated at Plot No:5, Srinivasa Nagar East, Ammathottam Village, Kumbakonam Taluk, Thanjavur District earmarked for the "Palavanthankattalai Detailed Development Plan:3" by treating the "Palavanthankattalai Detailed Development Plan:3" as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.Karunanidhi. R

For Respondents : Mr.M.Lingadurai

Government Advocate

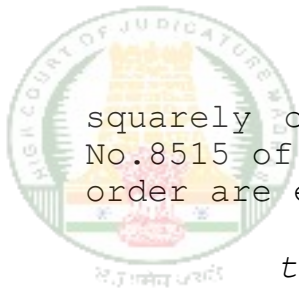
ORDER

This writ petition has been filed for a issue of a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's land, which was earmarked for the "Palavanthankattalai Detailed Development Plan:3" by treating the said plan as lapsed under section 38 of the Tamil Nadu Town and Country Planning Act, 1971, (hereinafter referred to as "the Act").

2. Heard Mr.R.Karunanidhi, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

3. The issue involved in the present writ petition is

<https://hcservices.ecourts.gov.in/hcservices/>



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 "Palavanthankattalai 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 "Palavanthankattalai Detailed Development Plan:3".

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

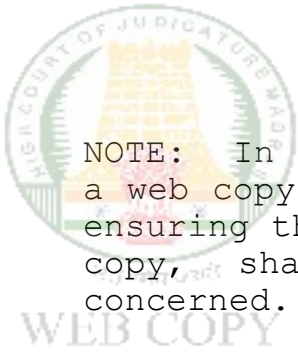
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

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, Annasalai,
Chennai - 600 002.
- 2.The Member Secretary,
Thanjavur Local Planning Authority,
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+1 CC to M/s.SPL GP (SR-24401[F] dated 29/07/2021)

W.P. (MD) .No.12562 of 2021
27.07.2021

MGJ(10.08.2021) 3P 4C