



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 06.08.2021**

**CORAM**

**THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY**

**W.P. (MD)No.13628 of 2021**

Chelladurai

... 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 2<sup>nd</sup> street,  
Medical College Road,  
Thanjavur - 610 001.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's land with an extent of 1395 Sq.feet in Survey Number:211/3A1 and 211/3B1 (Old Survey No.211/3A and 211/3B) situated at Plot No.10, 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.R.Karunanidhi

For Respondents : Mr.P.Subbaraj,

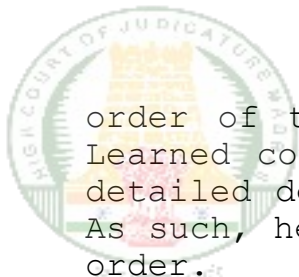
Counsel for State for R1 and R2

**O R D E R**

The petitioner seeks a direction to the respondents 1 and 2 to release his land admeasuring 1395 Sq.Ft in Survey Nos.211/3A1 and 211/3B1 (Old Survey Nos.211/3A and 211/3B) at Plot No.10, Srinivasa Nagar East, Ammathottam Village, Kumbakonam Taluk, Thanjavur District.

2. The petitioner states that he was informed that his property had been earmarked under the scheme named "Palavanthankattalai Detailed Development Plan:3" for a proposed 40 feet road and therefore the said property could not be regularized. The petitioner further states that the said detailed development plan had been approved on 16.06.2010 but that the petitioner's property was not acquired although ten years had lapsed. Consequently, it is contended that the land shall be deemed to be released in terms of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

3. In this connection, the petitioner relies upon an earlier



order of this Court in W.P(MD).No.11593 of 2021 dated 13.07.2021. Learned counsel contends that the said order pertained to the same detailed development plan and in respect of the same survey number. As such, he submits that his case is squarely covered by the earlier order.

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4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents and fairly submits that the present writ petition is squarely covered by the earlier order of this Court.

5. Upon perusal of the order in W.P(MD).No.11593 of 2021, it is clear that it pertains to the "Palavanthankattalai Detailed Development Plan:3", which is the same detailed development plan as in the present case. The Court held as follows in paragraph No.4 of the said order:

*"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"".*

6. Accordingly, the present writ petition is allowed as prayed for in terms of the earlier order of this Court dated 13.07.2021 in W.P(MD).No.11593 of 2021. There will be no order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

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 2<sup>nd</sup> street,  
Medical College Road, Thanjavur - 610 001.

+1 CC to M/s.GP ( SR-25615[F] dated 09/08/2021 )

**W.P. (MD)No.13628 of 2021**

**06.08.2021**

RD(16.08.2021) 2P 4C