



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16565 of 2021

1.K.Neethi

2.K.Pari

3.K.Madhu

... Petitioners

Vs.

1.The Director Town and Country Planning,
No.807, Annasalai, Chennai-02.

2.The Member Secretary/Assistant Director,
Local Planning Authority, Trichy,
Kalamalai Main Road, Khajamalai,
Tiruchirapalli-620023.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the publication in the official gazette for Tiruchirappalli Corporation Bye-pass Road Detailed Development Plan No.IV the petitioners had lapsed in view of Section 38 of the Town and Country Planning Act and consequently direct the respondents 1 and 2 to release the petitioner's property measuring an extent of AC.0.14 cents in S.F.No.3008/1B, A.C.0.18 Cents in S.F.No.3008/2BA, A.C.0.33 Cents in S.F.No.3008/2B1, AC.0.25 cents in S.F.No.3010/2C, AC.0.10 cents in S.F.No.3011/1 totally AC.1.00 cent in Kondaiyampettai Village, Srirangam Taluk, Tiruchirappalli District earmarked for proposed scheme road of Tiruchirappalli local planning and as lapsed as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.S.Venkatesh,
For Mr.P.Parthiban

For R1 and R2 : Mr.P.Subbaraj,
Counsel for State.



ORDER

The petitioners seek a declaration that the land measuring AC.0.14 Cents in S.F.No.3008/2B1, A.C.0.18 Cents in S.F.No.3008/2BA, A.C.0.33 Cents in S.F.No.3008/2B1, AC.0.25 Cents in S.F.No.3010/2C, AC.0.10 Cents in S.F.No.3011/1, aggregating to 100 Cents in Kondaiyampettai Village, Srirangam Taluk, Tiruchirappalli District is deemed to be released from reservation in terms of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971 (the Act of 1971).

2. The petitioners state that they are the owners of the above mentioned property under sale deed dated 28.06.2007, registered as Document No.1590/2007 in the office of the Sub-Registrar, Srirangam and release deed dated 10.01.2019 registered as Document No.1100/2019 in the office of the No.I Joint Registrar, Tiruchirappalli.

3. The petitioners further state that the above lands were identified and reserved under the Detailed Development Plan No.IV in relation to the Tiruchirappalli Corporation Bye-pass Road for a scheme road. Pursuant thereto, it is stated that the relevant Detailed Development Plan was prepared and published in terms of Section 33 (1) of the Act of 1971. By proceedings dated 04.09.2002 and 30.07.2002, approval was granted in respect thereof.

4. The petitioners state that the acquisition of lands reserved under a Detailed Development Plan should be completed within three (3) years from the date of approval of the relevant plan. If not in terms of Section 38(b) of the said enactment, the lands shall be deemed to be released from such reservation. The petitioners rely upon an earlier order of this Court in ***M/s.Tamizh Constructions Private Limited Vs. The Secretary to Government, Housing and Urban Development Department, The Secretariat, Chennai, W.P. (MD).No.1202 of 2020***, order dated 29.01.2020. By citing the said order, it is contended that the said order also pertained to the Trichy Corporation Bye-pass Road Detailed Development Plan No.IV.

5. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He fairly submits that the present Writ Petition is covered by the earlier order of this Court in the above mentioned case.

6. Upon examining the documents filed in support of the Writ Petition and the affidavit in support thereof, I find that the petitioner has made out a case for the issuance of a declaration in terms of Section 38(b) of the Act of 1971 with regard to the relevant lands. On perusal of the earlier order of this Court, it is evident that such order is also in respect of the Tiruchirappalli



Corporation Bye-pass Road Detailed Development Plan No.IV, which is the same Detailed Development Plan which forms the subject matter of the present Writ Petition.

7. For reasons set out above, the Writ Petition is allowed by declaring that the lands specified in the Writ Petition are deemed to be released from reservation for the Tiruchirappalli Corporation Bye-pass Road Detailed Development Plan No.IV in terms of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971. There will be no order as to costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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-02.

2.The Member Secretary/Assistant Director,
Local Planning Authority, Trichy,
Kalamalai Main Road, Khajamalai,
Tiruchirappalli-620 023.

+2 CC to M/s.P.PARTHIBAN, Advocate (SR-29289[F] dated 16/09/2021)

+1 CC to M/s.SPL. GP (SR-29441[F] dated 17/09/2021)

W.P (MD) No.16565 of 2021
16.09.2021

MGJ(28.09.2021) 3P 6C