



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.16813 of 2021

B.Mani

... Petitioner

Vs.

1.The Director of Town and Country Planning,
No.807, Anna Salai, Chennai - 600 002.

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

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring the publication in the official gazette for public purpose and notified in the T.L.P.A (Srirangam Division, Detailed Development Plan No.II) vide L.T.P.Proc.Roc.No.12819/2009DP3 at 09.09.2009 as lapsed in view of Sec.38 of the Town and Country Planning Act and consequently direct the respondents 1 and 2 to release the petitioners property measuring an extent of Ac.3.16 cents in T.S.No.1507 in New Ward A, in Vellithirumutham 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 P.Parthiban
For Respondents	: Mr.K.S.Selva Ganesan, Counsel for the State

O R D E R

The petitioner seeks a declaration that the reservation of the land bearing Town Survey No.1507 in New Ward A, Vellithirumutham Village, Srirangam Taluk, Tiruchirappalli District has lapsed in view of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971 and for a consequential direction to release the petitioner's property from the Srirangam Division, Detailed Development Plan No.II.

2.The petitioner states that he is the owner of the first item of property under sale deed dated 25.09.2009, registered as Document No.2155 of 2009. Such property bears Town Survey No.1507, admeasuring about 1 acre and 58 cents. The petitioner further states that his wife Tmt.Chandraammal, was the owner of another extent of 1.58 acre in Town Survey No.1507, which was also purchased from the



same vendor on 25.09.2009. After her demise, it is stated that the said property was also transferred to the petitioner.

3.Under the Srirangam Division, Detailed Development Plan No.II, it is stated that the property bearing Survey No.1507 was one of the properties reserved thereby. In spite of the fact that the Detailed Development Plan was approved on 06.10.2009, it is stated that no action was taken for the acquisition of the relevant property. Consequently, it is contended that the land shall be deemed to be released from reservation in terms of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971. The present writ petition is filed for a declaration to such effect.

4.Mr.K.S.Selvaganesan, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that if the relevant Town Survey number is covered by the Detailed Development Plan, the petitioner would be entitled to the relief prayed for.

5.The petitioner has enclosed a copy of the approval order in relation to Srirangam Division, Detailed Development Plan No.II. Such approval order is dated 06.10.2009. It evidently covers Town Survey No.1507, which is subject matter of the present writ petition.

6.The petitioner asserts that the relevant property was not acquired in spite of the lapse of about 12 years since the date of approval. The said contention has not been refuted. Therefore, the petitioner is entitled to the benefit of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971.

7.For reasons set out above, it is declared that the reservation of Town Survey No.1507 in New Ward A, Vellithirumutham Village, Srirangam Taluk, Tiruchirappalli District under the Srirangam Division, Detailed Development Plan No.II, stands released in terms of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971.

8.W.P(MD).No.16813 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1.The Director of Town and Country Planning,
No.807, Anna Salai, Chennai - 600 002.

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

+1 CC to M/s.P.PARTHIBAN, Advocate (SR-29640[F] dated 20/09/2021)

+1 CC to M/s.SPL.GP (SR-29928[F] dated 22/09/2021)

W.P. (MD) No.16813 of 2021
20.09.2021

RS (27.09.2021) 3P 5C