



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.20010 of 2020

M.Sundar

... Petitioner

-Vs-

1.The Director of Town and Country Planning,
807, Anna Salai,
Chennai.

2.The Member Secretary,
Madurai Local Planning Authority,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, to declare the reservation made in respect of the petitioner's land, in Survey No.19/3C and 19/4 in the Madakullam detailed development plan -III to have lapsed in light of Sec.38 of the Tamil Nadu Town and Country Planning Act, 1971 (TNACT 35 of 1974) and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2.The petition mentioned lands were earmarked for road purpose in the detailed development plan that was published in the year 1994. But no consequential step for acquiring the same was taken within three years thereafter. Hence, Section 38 of Tamilnadu Town and Country Planning Act, 1971, will come into play and the lands shown in the detailed development plan shall be deemed to be released. Therefore, this Court declares that the petition mentioned lands stand released from acquisition in terms Section 38 of Tamil Nadu Town and Country Planning Act, 1971.



3.The writ petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar ()

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 of Town and Country Planning,
807, Anna Salai,
Chennai.

2.The Member Secretary,
Madurai Local Planning Authority,
Madurai.

+1 CC to SPL GP (SR-937[F] dated 18/01/2021)

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VB (04.02.2021) 2P 4C