



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2022

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.No.12524 of 2022

Shanthi Venkat

... Petitioner

Vs.

1. The Director of Town & Country Planning,
Office of the Directorate of Town and Country Planning,
Second, Third and Fourth Floor,
E & C Market Road,
Koyambedu, Chennai - 600 107.
2. The Member Secretary,
Erode Town and Country Planning Authority Office,
Chennimalai Road,
Opposite to Govt., I.T.T.,
Erode 638 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue an order, Writ or direction in the nature of WRIT OF DECLARATION, to declare the reservation made in respect of the petitioner's land, in S.No.223/3B, Punjailakkapuram Village, Erode District forming part of Punjailakkapuram Detailed Development Plan No.2 to have lapsed, in light of Sec.38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN ACT 35 of 1974).

For Petitioner	:	Mr.M.Mahaboob Athiff
For Respondents	:	Mr.S.Arumugam Government Advocate for R-1

ORDER

Writ Petition is filed praying for issuance of a Writ of Declaration to declare the reservation made in respect of the petitioner's land, in S.No.223/3B, Punjailakkapuram Village, Erode District, forming part of Punjailakkapuram Detailed Development Plan No.2 to have lapsed, in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN ACT 35 of 1974).



2. Heard either side.

3. The petition-mentioned land was the subject matter of Detailed Development Plan. It was earmarked for Scheme Road. The Gazette Notification was made way back in the year 2009. In this regard, it is useful to refer Section 38 of the Tamil Nadu Town and Country Planning Act, which reads as follows:

"Section 38. Release of land.- If within three years from the date of the publication of the notice in the Tamil Nadu Government Gazette under section 26 or section 27- (a) no declaration as provided in sub-section (2) of section 37 is published in respect of any land reserved, allotted or designated for any purpose specified in a regional plan, master plan, detailed development plan or new town development plan covered by such notice; or

(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation."

4. In this case, no consequential steps for acquiring the petition-mentioned land, were taken within a period of three years, and therefore, the aforesaid provision will have to be given full effect. As a result, the subject property belonging to the petitioner, stands released from the said Detailed Development Plan.

5. With the above direction, this Writ Petition stands allowed. No costs.

Sd/-
Vacation Officer

True Copy//

Sub Assistant Registrar

jeni/cs

To

1. The Director of Town & Country Planning,
Office of the Directorate of Town and Country Planning,
Second, Third and Fourth Floor,
E & C Market Road, Koyambedu, Chennai - 600 107.



2. The Member Secretary,
Erode Town and Country Planning Authority Office,
Chennimalai Road,
Opposite to Govt., I.T.T.,
Erode 638 009.

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+1cc to M/s.I.Abdul Basith, Advocate, S.R.No.31428
+1cc to the Government Pleader, S.R.No.31533

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NSK/20/05/2022