



W.P.No.30168 of 2022

N.SATHISH KUMAR, J.

This Writ Petition has been listed today at the instance of the learned Additional Government Pleader appearing for the first respondent under the caption 'for being mentioned'.

2. Mr.K.M.D.Muhilan, learned Additional Government Pleader would submit that instead of 'the scheme lapsed' mentioned at the end of the 7th para, it is has to be mentioned as 'the reservation is released from the detailed plan'. It is his further submission that if the Government intends to acquire the land for any purpose, this order will not be a bar for the Government in view of the provision of Land Acquisition Act.

3. In view of the above submissions, instead of 7th para in the Order dated 12.12.2022, the following paragraphs shall be incorporated in the Order.

7. In the present case, the detailed development plan was notified under Section 37 of the Act in the year 1992. However, the respondents failed to take any steps to acquire the land and therefore, by operation of Section 38, the reservation is released from the detailed plan.

7a. It is made clear that mere releasing of the lands, as per Section 38 will not bar the authorities to pass orders strictly in terms of



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the Rules. The lapse under Section 38 will not affect the Rule 4[5] of Tamil Nadu Regularization of Unapproved Layouts and Plot Rules, 2017.”

7b. However, it is admitted case that the land has not been acquired within a period of three years. In such view of the matter, as per Section 38 of the Tamilnadu Town and Country Planning Act, the petitioner's land shall be released from the development plan. It is also made clear that in future, if the Government intends to acquire the land for any purpose, this order will not be a bar for the Government in view of the provision of Land Acquisition Act. Similarly, any application is filed or pending for regularization of unapproved layout, such application shall be dealt as per Tamilnadu Town and Country Planning Act, 1971, on its own merits, strictly in terms of the Rules.

4. The registry is directed to above paragraphs in the above Order and issue fresh Order copy to the parties concerned.

24.02.2023

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