



W.P.(MD).No.193 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.193 of 2022

P.S.Muthukrishnan

... Petitioner

Vs.

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

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

3.The Commissioner of Police,
Madurai Police Commissionerate,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation made in respect of the petitioner's land in Old Survey No.4/3C1, Managiri Village, Madurai forming part of the Mathichiyam Detailed Development Plan Part III A to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, (TN ACT 35 of 1974) and the order made by this Court in W.P.(MD).No.398 of 2021 dated 29.01.2021 and consequently direct the third respondent to accord police protection for effecting development / construction in the said land.



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For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.M.Sarangan,
Additional Government Pleader.

ORDER

Heard the learned counsel on either side.

2. The petition mentioned land was included in the Mathichiyam Detailed Development Plan Part III-A, which was published in the year 1999, as a scheme road. Since the consequential acquisition steps have not been taken within the next three years, in view of the statutory mandate contained under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the said reservation is deemed to have lapsed. Declaration is accordingly granted. The authorities concerned are directed to make necessary changes in the relevant records.

3. This Writ Petition is allowed accordingly. There shall be no order as to costs.

08.07.2022

Index : Yes / No
Internet : Yes/ No
Lm



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G.R.SWAMINATHAN, J.

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