



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.424 of 2022

A.Nagoor Meeran,
Represented by its Power Agent,
A.Noorjahan

... Petitioner

/Vs./

1. The Director Town and Country Planning,
2,3 and 4th Floor, CMDA Complex,
Koyambedu,
Chennai-107.

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

3. The Commissioner,
Thuraiyur Municipality,
Thuraiyur Taluk,
Thuraiyur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring that the Notification of the 1st respondent Proceedings in ROC.No.56020/92 DP2 dated 09/01/1992, Thuraiyur Detailed Development Plan No.VI was issued, lapsed and the land in S.F.No.291/5 of Thuraiyur Town and Taluk, Trichy District is released from its reservation by virtue of Sec 38(b) Town and Country Planning Act and consequently directing the 2nd respondent herein to Process the application of the petitioner dated 29/12/20 in accordance with law within period to be fixed by this Court.

For Petitioner : Mr.P.Parthiban

For Respondents : Mr.B.Saravanan
Additional Government Pleader
R1 & R2

**ORDER**

This writ petition has been filed for a Declaration to declare that the Notification of the 1st respondent dated 09/01/1992, for Thuraiyur Detailed Development Plan No.VI is lapsed and the land in S.F.No.291/5 of Thuraiyur Town and Taluk, Trichy District is released from its reservation by virtue of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971 and consequently directing the 2nd respondent herein to process the application of the petitioner dated 29/12/2020 in accordance with law, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that though a notification was issued by the first respondent on 09.01.1992, for acquiring the petitioner's land for the aforementioned Thuraiyur Detailed Development Plan No.VI, no steps have been taken thereafter for the said acquisition. According to the petitioner, since no steps have been taken within a period of three (3) years, the property of the petitioner has to be released from acquisition as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. The petitioner has also sought for building plan approval for his property and therefore, he seeks for consequential direction to the respondents to process the said application within a timeframe to be fixed by this Court.

3.Heard Mr.P.Parthiban, learned Counsel for the writ petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2, on instructions, would submit that the relief sought for in this writ petition has to be granted, in view of the fact that subsequent to the notification dated 09.01.1992 issued by the first respondent, no further steps have been taken for acquiring the petitioner's land and hence, as per the provisions of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the land belonging to the petitioner is deemed to be released from acquisition. The said statement is recorded.

5.After recording the submissions made by the learned Additional Government Pleader appearing for the respondents 1 and 2, this Writ Petition is allowed by declaring that the notification issued by the first respondent in ROC.No.56020/92 DP2 for Thuraiyur Detailed Development Plan No.VI is lapsed and the land in S.F.No.291/5 of Thuraiyur Town and Taluk, Trichy District is released from its reservation, as per the provisions of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

6.A further direction is also issued to the second respondent to process the petitioner's application seeking for building plan



approval in respect of the aforementioned property dated 29.12.2020 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Director Town and Country Planning,
2,3 and 4th Floor, CMDA Complex,
Koyambedu,
Chennai-107.

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

+1 CC to M/s.P.PARTHIBAN, Advocate (SR-12390[F] dated 16/03/2022)

+1 CC to M/s.SPL GP (SR-12502[F] dated 16/03/2022)

order made in

W.P. [MD] No. 424 of 2022

14.03.2022

MGJ(25.03.2022) 3P 5C