



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

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WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.2466 of 2022

S.Devarajan

.. Petitioner

Vs.

1.The Director,
Directorate of Town and Country Planning,
807, Anna Salai,
Chennai - 2.

2.The Joint Director,
O/o. The Director of Town and Country Planning,
Tirunelveli City,
Tirunelveli District.

3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Declaration, to declare that the reservation made in respect of the petitioner's land to an extent of 63 cents situated in Old S.No.1042/3, new T.S.No.6/3 at Kulavanigarpuram Village, Melapalayam Ward, Tirunelveli City, forming part of Perumalpuram Detailed Development Plan NO.4, 1971 is deemed to have been released/lapsed by virtue of Section 38 of the Town and Country Planning Act, 1971 (TN Act 35 of 1974) within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition has been filed for a Writ of Declaration, to declare the reservation made in respect of the petitioner's land to an extent of 63 cents situated in Old S.No.1042/3, new T.S.No.6/3 at Kulavanigarpuram Village, Melapalayam Ward, Tirunelveli City,



forming part of Perumalpuram Detailed Development Plan No.4, 1971 is deemed to have been released/lapsed by virtue of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN Act 35 of 1974).

2.Heard Mr.M.Ajmal Khan, learned Senior Counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

3.On instructions, learned Special Government Pleader for the respondents, would submit that ever since 1971, the respondents have not taken steps for acquisition proceedings with regard to the petitioner's land.

4.Therefore, this Court is of the considered view that Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, gets attracted to the case of the petitioner. Accordingly, the land acquisition proceedings in accordance with Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, is lapsed.

5.After recording the submission made by the learned Special Government Pleader, the declaration sought for in this writ petition seeking for the release of subject land belonging to the petitioner from land acquisition is granted and the writ petition is allowed. No costs.

Sd/-

Deputy Registrar (Accounts)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

NS

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,
Directorate of Town and Country Planning,
807, Anna Salai,
Chennai - 2.

2.The Joint Director,
O/o. The Director of Town and Country Planning,
Tirunelveli City,

<https://hcservices.hcscourts.gov.in/hcservices/> District.



3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-5338[F] dated 10/02/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-5790[F] dated
11/02/2022)

W.P (MD) .No.2466 of 2022
09.02.2022

RD(01.03.2022) 3P 6C