



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4060 of 2022

WEB COPY

C.Rajalakshmi

.. Petitioner

Vs

1.The Director of Town and Country Planning,
2, 3 and 4th Floor, B, CMDA Office Campus,
E & C Market Road, Koyambedu,
Chennai - 107.

2.The Member Secretary,
Madurai Local Planning Authority,
4, Hakkeem, Ajmalkhan Road,
Chinna Chokkikulam, Madurai - 2.

3.The Commissioner,
Madurai Corporation,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring that the reservation made in respect of the petitioner's land to an extent of 25 cents i.e., 22 cents comprised in Re-Survey No.90/4B2 and 3 Cents comprised in Re-Survey No.90/4A2B at Uthangudi Village, Madurai East Taluk, Madurai District, as "Residential Building prohibited Area" in the "Madurai Local Planning Area Uthangudi South Detailed Development Plan No.2" bearing Map No.DDP/DY.D.T & C.P. (MR) No.24/2005, published in the year 2005 is deemed to be lapsed and released from the reservation in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN Act 1974).

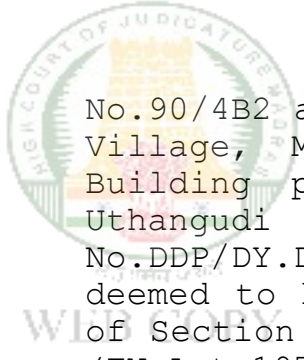
For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mrs.S.Jeyapriya for R1 and R2
Government Advocate

Mr.K.K.Kannan for R3
Standing Counsel

ORDER

This writ petition has been filed for a Declaration seeking to declare that the reservation made in respect of the petitioner's land to an extent of 25 cents i.e., 22 cents comprised in Re-Survey



No.90/4B2 and 3 Cents comprised in Re-Survey No.90/4A2B at Uthangudi Village, Madurai East Taluk, Madurai District, as "Residential Building prohibited Area" in the "Madurai Local Planning Area Uthangudi South Detailed Development Plan No.2" bearing Map No.DDP/DY.D.T & C.P. (MR) No.24/2005, published in the year 2005 is deemed to be lapsed and released from the reservation in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN Act 1974).

2.Heard Mr.R.Shankar Ganesh, learned counsel appearing for the petitioner, Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 2 and Mr.K.K.Kannan, learned Standing Counsel, who accepts notice on behalf of the third respondent.

3.The learned Government Advocate, on instructions submits that the lands under the proposed detailed development plan, proposed in the year 2005, which is the subject matter of this writ petition has not been acquired by the Government.

4.Since the acquisition has not been made, within a period of three years from the year 2005 or subsequently under Section 37(2) of Tamilnadu Town and Country Planning Act, 1971, the land shall be deemed to be released from acquisition as per Section 38 of the Tamilnadu Town and Country Plan Act, 1971. Since the respondents have failed to comply with the statutory requirements under Section 37 of the Tamilnadu Town and Country Planning Act, the lands measuring an extent of 25 cents i.e., 22 cents comprised in Re-Survey No.90/4B2 and 3 Cents comprised in Re-Survey No.90/4A2B at Uthangudi Village, Madurai East Taluk, Madurai District, falling within the "Madurai Local Planning Area Uthangudi South Development Plan No.2" bearing Map No.DDP/DY.D.T & C.P. (MR) No.24/2005, published in the year 2005, is deemed to be lapsed and released from reservation in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

5.Accordingly, this writ petition is allowed. No costs.

Sd/-

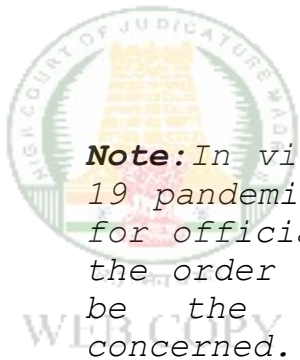
Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM



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 of Town and Country Planning,
2, 3 and 4th Floor, B, CMDA Office Campus,
E & C Market Road,
Koyambedu,
Chennai - 107.

2.The Member Secretary,
Madurai Local Planning Authority,
4, Hakkeem, Ajmalkhan Road,
Chinna Chokkikulam,
Madurai - 2.

3.The Commissioner,
Madurai Corporation,
Madurai.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-10410[F] dated 07/03/2022)

+1 CC to M/s.SPL GP (SR-10596[F] dated 08/03/2022)

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-10651[F] dated 08/03/2022)

W.P. (MD)No.4060 of 2022
07.03.2022

CK(CO)
TR(18.03.2022) 3P 7C