



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.4352 of 2022

Praba

... Petitioner

vs.

1.The Director,
Town and Country Planning,
No.807, Annasalai, Chennai- 600 002.

2.The Member Secretary,
Local Planning Authority,
Anna Building, Alagar Koil Road,
Thallakulam, Madurai-625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents No.1 and 2 to release the petitioner's land with an extent of 7803 Sq.feet in Town Survey No.213, Old Revenue Survey No.108/1 situated at Thallakulam Village, Municipal Ward No.16, Block No.15, Madurai North Taluk, Madurai District earmarked for the "Madurai Pudur Extension Detailed Development Plan No.2" by treating the "Madurai Pudur Extension Detailed Development Plant No.2" as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner :Mr.R.Karunanidhi

For Respondents :Mr.B.Saravnan

Additional Government Pleader

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the first and second respondents to release the petitioner's land measuring to an extent of 7803 Sq.feet in Town Survey No.213, Old Revenue Survey No.108/1 situated at Thallakulam Village, Municipal Ward No.16, Block No.15, Madurai North Taluk, Madurai District earmarked for the "Madurai Pudur Extension Detailed Development Plan No.2" by treating the "Madurai Pudur Extension Detailed Development Plant No.2" as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2.According to the petitioner, despite acquisition notification issued on 11.05.1992, no further steps have been taken by the respondents to acquire the aforementioned land belonging to the petitioner. In such circumstances, she has sought for a direction from this Court to release the said land from acquisition proceedings as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

3.Mr.B.Saravanan, learned Additional Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>



appearing for the respondents would fairly submit that since no steps have been taken pursuant to the notification issued in the year 1992, as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the relief sought for in this Writ Petition can be granted to the petitioner.

WEB COPY

4.For the very same development plan, in another Writ Petition in W.P.(MD)No.3390 of 2021, by order, dated 22.09.2021, the subject property in that Writ Petition was released from reservation in terms of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

5.For the foregoing reasons, the relief sought for in this Writ Petition has to be granted in favour of the petitioner and accordingly, this Writ Petition is allowed as prayed for and the property belonging to the petitioner measuring to an extent of 7803 Sq.feet in Town Survey No.213, Old Revenue Survey No.108/1 situated at Thallakulam Village, Municipal Ward No.16, Block No.15, Madurai North Taluk, Madurai District earmarked for the "Madurai Pudur Extension Detailed Development Plan No.2" is released from reservation as "Madurai Pudur Extension Detailed Development Plant No.2" is lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The Director,
Town and Country Planning,
No.807, Annasalai, Chennai- 600 002.

2.The Member Secretary,
Local Planning Authority,
Anna Building, Alagar Koil Road,
Thallakulam, Madurai-625 002.

+1 CC to M/s.SPL GP (SR-12721[F] dated 17/03/2022)

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-12581[F] dated 16/03/2022)

Order made in
W.P. (MD)No.4352 of 2022
16.03.2022

ck(CO)

TR(31.03.2022) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>