



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4479 of 2022

WEB COPY

T.Natarajan
represented by his Power of Attorney
Azarudeen

.. Petitioner

Vs

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

2.The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur - 613 001.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents No.1 and 2 to release the Petitioners land with an extent of 1020 Sq.feet in Survey Number 211/1D and 212/1D situated at Plot No.6, Srinivasa Nagar East, Ammathottam Village, Kumbakonam Taluk, Thanjavur District, earmarked for the 'Palavanthankattalai Detailed Development Plan.3' by treating the 'Palavanthankattalai Detailed Development Plan.3' as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act 1971.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to release the petitioner's land measuring an extent of 1020 sq. feet in Survey Number: 211/1D and 212/1D situated at Plot No.6, Srinivasa Nagar East, Ammathottam Village, Kumbakonam Taluk, Thanjavur District, earmarked for the "Palavanthankattalai Detailed Development Plan:3" by treating the "Palavanthankattalai Detailed Development Plan:3" as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



2.It is the case of the petitioner that despite the Gazette notification was effected on 16.06.2010, for acquisition of the petitioner's property and other properties for "Palavanthankattalai Detailed Development Plan:3", no further steps have been taken by the respondents, within a period of three years from that date, for the acquisition of the said lands, which includes the petitioner's land also. Therefore, according to the petitioner, as per Section 38 of the Tamilnadu Town and Country Planning Act, 1971, the acquisition is deemed to be lapsed. In a similar case, for the very same development plan, this Court has passed an order in respect of another petitioner in W.P.(MD).No.11593 of 2021, releasing the lands as lapsed under Section 38 of the Tamilnadu Town and Country Planning Act.

3.Heard Mr.R.Karunanidhi, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4.It is admitted by the learned Special Government Pleader appearing for the respondents that as per the provisions of Section 38 of the Town and Country Planning Act, no further steps were taken by the respondents, pursuant to the Gazette notification, dated 16.06.2010, for acquisition of the petitioner's lands and other lands mentioned in the said notification, within a period of three years.

5.For the foregoing reasons, since further steps have not been taken by the respondents, subsequent to the Gazette notification, dated 16.06.2010, referred to supra, within a period of three years from that date, the prayer sought for in this writ petition has to be necessarily granted in favour of the petitioner.

6.Accordingly, this writ petition is allowed by declaring that the acquisition in respect of the land measuring an extent of 1020 sq. feet in Survey Number: 211/1D and 212/1D situated at Plot No.6, Srinivasa Nagar East, Ammathottam Village, Kumbakonam Taluk, Thanjavur District, earmarked for the "Palavanthankattalai Detailed Development Plan:3" by treating the "Palavanthankattalai Detailed Development Plan:3" as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act. No costs.

Sd/-

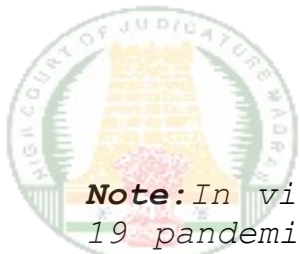
Assistant Registrar(P & A)

// 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,
Town and Country Planning,
No.807, Annasalai,
Chennai - 600 002.
- 2.The Member Secretary,
Thanjavur Local Planning Authority,
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Medical College Road,
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+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-11969[F] dated 14/03/2022)

+1 CC to M/s.SPL GP (SR-12451[F] dated 16/03/2022)

W.P. (MD)No.4479 of 2022

14.03.2022

sj (CO)
TR(24.03.2022) 3P 5C