



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7156 of 2022

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P.Senthilnathan

... Petitioner

/Vs./

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

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

3. The Commissioner,
Madurai City Municipal Corporation,
Arignar Anna Maligai,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus declaring that the reservation made in respect of the petitioner's land in Nanja land in R.S.No.222/3 UDR Survey No.81/3, New Survey No.81/3A2 plot No.40, Northern Portion within an extent of 5 cents and 120 Sq.ft. i.e. 2300 square feet situates in Siruthur Village, Madurai North Taluk, Madurai, under Siruthur Detailed development plan Part- VIII is deemed to be lapsed and released from the reservation in the light of section 38 of the Tamilnadu Town and Country Planning Act, 1971 (TN ACT 1974) and consequently direct the respondents to entertain and grant regularization and planning permission to the petitioner's land.

For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.M.Lingadurai (For R1 & R2)
Special Government Pleader
Mr.S.Vinayak (For R3)
Standing Counsel



ORDER

This writ petition has been filed for a Declaration to declare that the reservation made in respect of the petitioner's land in Nanja land in R.S.No.222/3 UDR Survey No.81/3, New Survey No.81/3A2 plot No.40, Northern Portion with an extent of 5 cents and 120 Sq.ft. i.e. 2300 square feet situated in Siruthur Village, Madurai North Taluk, Madurai, under Siruthur Detailed development plan Part-VIII is deemed to be lapsed and released from the reservation in the light of section 38 of the Tamilnadu Town and Country Planning Act, 1971 (TN ACT 1974).

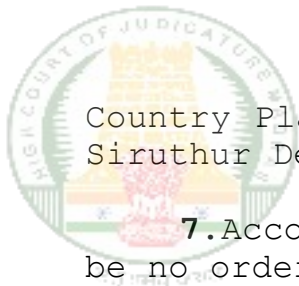
2.It is the case of the petitioner that he is the absolute owner of the aforementioned property. According to him, though notification was issued by the respondents in the year 2000 for Siruthur Detailed development plan Part- VIII, no further steps were taken subsequent to the said notification. Therefore, according to the petitioner, as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, it is deemed to be released and the Detailed Development Plan is deemed to be lapsed.

3.Heard Mr.P.Gunasekaran, learned Counsel for the writ petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.S.Vinayak, learned Standing Counsel, who accepts notice on behalf of the third respondent.

4.The law is now well settled by various decisions of this Court and Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 also makes it clear that subsequent to the notification, if within three years no further steps have been taken for land acquisition, the lands are deemed to be released from land acquisition and the Detailed Development Plan is deemed to be lapsed.

5.The learned Special Government Pleader appearing for the first and second respondents, on instructions, would also submit that subsequent to the notification issued, no steps have been taken for acquiring the lands of the petitioner for the Siruthur Detailed development plan Part- VIII. The said statement is recorded.

6.Therefore, necessarily in accordance with Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the relief sought for by the writ petitioner in this writ petition has to be granted. Accordingly, it is declared that the petitioner's land in Nanja land in R.S.No.222/3 UDR Survey No.81/3, New Survey No.81/3A2 plot No.40, Northern Portion within an extent of 5 cents and 120 Sq.ft. i.e., 2300 square feet situated in Siruthur Village, Madurai North Taluk, Madurai, under Siruthur Detailed development plan Part- VIII is deemed to be released as per Section 38 of the Tamil Nadu Town and



Country Planning Act, 1971, from the proposed scheme road under the Siruthur Detailed development plan Part- VIII.

7. Accordingly, this Writ Petition stands allowed. There shall be no order as to costs.

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Sd/-

Assistant Registrar (AS)

// 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 Office Complex,
E&C Market Road,
Koyambedu,
Chennai-107.

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

+1 CC to M/s.SPL.GP (SR-19330,SR-19341[F] dated 19/04/2022)

+1 CC to M/s.S. VINAYAK, Advocate (SR-19869[F] dated 20/04/2022)

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18.04.2022

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