



W.P(MD)No.14285 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14285 of 2022

V.P.K.Baskar

... Petitioner

Vs.

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai -2.

2.The Commissioner,
Madurai Corporation,
Madurai,
Madurai District.

3.The Deputy Director of Town and Country Planning,
No.4, Hakkim Ajmalkhan Road,
Chinna Chokkikulam,
Madurai – 625 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation in respect of the petitioner's land to an extent of 13 cents situated in Survey No.465/5 at Madakulam Village, Thirupparankundam Taluk, Madurai District, forming part of the Madurai Local Planning Area, South West Extension Part - IX Detailed Development Plan (Map No.4) had lapsed in light of Section 38 of



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the Tamil Nadu Town and Country Planning Act 1971 (TN Act 35 of 1974)

within the period that may be stipulated by this Court.

For Petitioner : Mr.V.Karthik Raja
For M/s.Ajmal Associates.

For Respondents : Mr.M.Prakash,
Addl. Government Advocate for R1 & R3
Mr.K.K.Kannan,
Standing Counsel for R2.

ORDER

Heard the learned counsel on either side.

2.The petition mentioned lands were included in Madakulam detailed development plan in South West Extension Part-IX detailed development plan (Map No.4) published in the year 1992. No consequential steps for acquisition were taken. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, reads as follows:-

“38. Release of land.- If within three years from the date of the publication of the notice in the Tamil Nadu Government Gazette under section 26 or section 27- (a) no declaration as provided in sub-section (2) of section 37 is published in respect of any land reserved, allotted or designated for any purpose specified in a regional plan, master plan, detailed development plan or new



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town development plan covered by such notice; or

(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.”

3.Applying the aforesaid statutory mandate and in view of the inaction on the part of the respondents, it is declared that the reservation made in respect of the petition mentioned lands had lapsed. The respondents authority are directed to effect consequential changes in the relevant records.

4.The writ petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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