



W.P(MD)No.15892 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15892 of 2022

1.L.Pothumani

2.Sugumaran

3.Jeya

4.Jeyaprakash

5.Naveenkumar

6.Dharunkumar

7.Senthilkumar

8.Chira

... Petitioners

Vs.

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

2.The Member Secretary,
Madurai Local Planning Authority,
Sector – 6, Anaiyur,
Mudakkathan Main Road,
Koodalpudur,
Madurai – 17.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Declaration to declare that the reservation



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made in respect of the petitioner's land in Re-Survey No.190/5, UDR Survey No.49/5, New Survey No.49/5A1 with an extent of 1 Acre 28 cents situates in Siruthur Village, Madurai North Taluk, Madurai District under Siruthur Detailed Development Plan Part-V 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 Petitioners : Mr.P.Gunasekaran

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was reserved for road purposes in the detailed development plan in the year 1999. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 is 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 town development plan covered by such notice; or



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

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3.In this case, within three years from the date of publication of the detailed development plan, the land was not acquired. Since consequential steps were not taken, it is declared that the reservation made in respect of the petition mentioned land is deemed to have lapsed. It stands released from such reservation in view of the aforesaid statutory provision. The respondents are directed to make the necessary changes in the revenue record.

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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