



**W.P.(MD) No.15811 of 2022**

**WEB COPY** BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 26.08.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD) No.15811 of 2022**

**R.V.Bharathan**

**... Petitioner**

**/vs./**

1.The Director,  
Tamil Nadu Town and Country Planning,  
Anna Salai,  
Chennai.

2.The Commissioner,  
Trichirappalli Corporation,  
Trichirappalli.

3.The Member Secretary,  
Trichirappalli,  
Local Planning Authority,  
Trichirappalli.

**... Respondents**

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring that the reservation made in respect of petitioner's land situated at Trichy District, Trichy Taluk, Varaganery Village in old Survey No.180/2, 173/2 forming part of Varaganery south detailed Development Plan to have lapsed in the light of section 38 of Tamilnadu Town and Country Planning Act 1971 (Tamilnadu Act 35 of 1972).



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For Petitioner : Mr.S.Sarvagan Prabhu

For R1 & R2 : Mr.M.Prakash  
Additional Government Pleader

**ORDER**

Heard the learned counsel on either side.

2.The petition mentioned property was included in the detailed development plan published in the year 1962 under the Tamil Nadu Town and Country Planning Act, 1971. The consequential acquisition steps were not taken.

3.In these circumstances, Section 38 of the Act will come into play. The said provision is 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 town development plan covered by such notice ; or*

*(b) such land is not acquired by agreement,*



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*such land shall be deemed to be released from such reservation, allotment or designation.”*

4.Applying the aforesaid statutory mandate, I declare that the petition mentioned reservation has lapsed and the respondents are directed to make necessary changes in the relevant records.

5.The Writ Petition is allowed. No costs.

Index : Yes / No  
Internet : Yes / No  
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**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,  
Tamil Nadu Town and Country Planning,  
Anna Salai,  
Chennai.

**G.R.SWAMINATHAN, J.**



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2.The Commissioner,  
Trichirappalli Corporation,  
Trichirappalli.

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