

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

**CORAM**

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

**W.P.(MD)No.15822 of 2022**

R.Vishwanathan

... 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 praying to issue a 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. 173/2 (T.S.No. 40/1), 180/2 (T.S.No.32/3 and 32/6),

179/2 (T.S.No. 33/2), 180/3 (T.S.No.32/4), 179/1 (T.S.No.33/1), 180/1B, (T.S.No. 32/2), 174/2A (T.S.No.39/3), 181 (T.S.No.47), 186/1A (T.S.No.44/1), 174/4 (T.S.No.39/5) forming part of Varaganery South detailed Development Plan to have lapsed in the light of section 38 of Tamil Nadu Town and Country Planning Act 1971 (Tamilnadu Act 35 of 1972).

For Petitioner : Mr.S.Sarvagan Prabhu

For R-1 and R-3 : Mr.M.Sarangan,  
Additional Government Pleader.

For R-2 : Mr.R.Baskaran,  
Standing Counsel.

### **ORDER**

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 3 and learned Standing Counsel appearing for the second respondent.

2. The petition mentioned land was included in Varaganery South Detailed Development Plan published in the year 1962. However, consequential steps for acquiring the property were not 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 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. Even though the detailed Development Plan that is the subject matter of this writ petition was issued under the earlier Act, the statutory mandate set out under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 is equally applicable. Once consequential steps for acquiring land covered under the detailed Development Plan have not been taken within the stipulated period, the reservation will automatically lapse. It is declared that the reservation made in respect of the petition mentioned land has lapsed. The respondents are directed to make necessary changes in the relevant records.

4. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

**02.09.2022**

Index : Yes / No  
Internet : Yes/ No  
Nsr

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G.R.SWAMINATHAN, J.

Nsr

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