



W.P.(MD)No.17061 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17061 of 2022

R.Usha Devi

... Petitioner

Vs

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

2.The Commissioner,
Dindigul Corporation,
Dindigul.

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

... 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 Dindigul District, Dindigul Town, Balakrishnapuram, 6th ward Beekulam South side T.S.No.1753, T.S.No.1754 New T.S.Nos.1753/3, 1754/5 having total extent of 1 acre 27 cents forming part of Balakrishnapuram Race Course Town Planning scheme to have lapsed in the light of section 38 of Tamilnadu Town and Country Planning Act,1971 (Tamilnadu Act 35 of 1972).



For Petitioner : Mr.M.Sarvagan Prabhu

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1

Mr.M.Thirunavukarasu
Standing Counsel for R.2 & R.3

ORDER

Heard the learned counsel on either side.

2. The petition mentioned property was included in the detailed Development Plan published on 15.12.1969. 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.”



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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. This writ petition is allowed. No costs.

02.08.2022

Index : Yes / No

Internet : Yes/ No

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To

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