

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 05.08.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.17575 of 2022**

1. S.Ramachandran
2. P.Balasubramaniyan
3. Periyasamy
4. N.Jeevakarunyan
5. R.Thangaraj
6. G.Manivannan ... Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep. By its Secretary,
Department of Housing and Urban Development,
Fort St. George,
Chennai – 600 009.
2. The Director,
Directorate of Town and Country Planning,
Head Office,
No.807, Anna Salai,
Chennai – 600 002.
3. The Deputy Director,
Town and Country Planning,
Sivaganga Region,
No.430, Gandhi Veethi,
Sivagangai – 630 561.

4. The Assistant Director and the Member Secretary,
District Town and Country Planning,
Plot No.282, Periyar Nagar,
Railway Station Road,
Pudukottai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the lands of the petitioners in T.S.Nos.8643/2 to 6, 8643/10 to 19, 8643/21 to 26, 8643/28, 31, 33, 34, 35, 8643/37 to 58 and 8644/1 to 7 in Thiruvappur Ceylon Colony, Block No.90, Kavinadu Melavattam Village, Pudukottai Town are deemed to be released in accordance with Section 38 from the approval by the Director of Town and Country Planning dated 26.02.2011 in Roc.No.4386/09/DP3 in Map No.4 & 5 DDP/SR/DTCP No.7/2011 in the DDP No.6, under LPA, Pudukottai on the file of the second respondent.

For Petitioners : Mr.S.Savarimuthu

For Respondents: Mr.M.Prakash,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for the official respondents.

2. The petition mentioned lands belong to the petitioners and they were included in the detailed development plan committee in the year 2011 for formation of scheme roads. However, consequential steps for acquisition were not taken. Section 38 of the Tamil Nadu Town and Country Planning Act 1971 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, such land shall be deemed to be released from such reservation, allotment or designation. ”

3. I have to necessarily give effect to the aforesaid statutory mandate. Since consequential steps were not taken and the petition mentioned lands were not acquired in the manner known to law, it is declared that the reservation made in the detailed development plan in respect of the petition mentioned land has lapsed. The respondents are directed to make corresponding change in the relevant revenue records. This writ petition stands allowed. No costs.

05.08.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Government of Tamil Nadu,
Rep. By its Secretary,
Department of Housing and Urban Development,
Fort St. George, Chennai – 600 009.
2. The Director,
Directorate of Town and Country Planning,
Head Office, No.807, Anna Salai, Chennai – 600 002.
3. The Deputy Director,
Town and Country Planning,
Sivaganga Region, No.430, Gandhi Veethi,
Sivagangai – 630 561.
4. The Assistant Director and the Member Secretary,
District Town and Country Planning,
Plot No.282, Periyar Nagar, Railway Station Road,
Pudukottai.

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.17575 of 2022

05.08.2022