



W.P.(MD)No.18146 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18146 of 2022

B.Subramanian

... Petitioner

Vs

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai.

2.The Member Secretary,
Madurai Town and Country Planning Authority,
Corporation Building Complex,
3rd Floor, Anna Maligai,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, to declare the reservation in respect of the land of the petitioner situates at R.S.No.174/3, Town Survey No.13/1, at Ward No.XXII, Block No.27 Madakulam Village, Thiruparankundram Taluk, Madurai under the Madakulam Detailed Development Plan No.2 to have lapsed in light of Sanction 38 of the Tamil Nadu Town and Country Planning Act 1971.

For Petitioner : Mr.P.Mohamed Suhali
for M/s.Ajmal Associates

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



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W.P.(MD)No.18146 of 2022

ORDER

Heard the learned counsel on either side.

2. The petition mentioned land was included in the detailed development plan for forming scheme road. The development plan was published way back in the year 1995. Acquisition steps were not taken within the next three years.

Section 38 of the 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. Applying the statutory mandate, I hold that reservation in respect of the petition mentioned land stands elapsed. The respondents are directed to make necessary changes in the relevant records.

4. The Writ Petition is allowed. No costs.

16.08.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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