



W.P.(MD).No.17816 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2022

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.17816 of 2021

T.Senthil Kumar

... Petitioner

Vs.

1.The Director of Town and Country Planning,
807, Anna Salai,
Chennai.

2.The Member Secretary,
Madurai Local Planning Authority,
Madurai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation made in respect of the petitioner's land in Revenue Survey No.5/3A, Managiri Village, Madurai forming part of the Mathichiyam Detailed Development Plan Part III A to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN ACT 35 of 1974) and the order made by this Court in W.P.(MD).No.398 of 2021 dated 29.01.2021.



W.P.(MD).No.17816 of 2021

For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.M.Sarangan,
Additional Government Pleader.

ORDER

Heard the learned counsel on either side.

2. The petition mentioned land was included in Mathichiyam Detailed Development Plan Part-III A and shown as a prohibited area for construction.

3. It is well settled that the authorities will have to take consequential acquisition steps within a period of three years after such notification. There is no dispute that the detailed development plan was published way back in the year 1999. Since, within the next three years, that is, by the year 2002, the consequential acquisition steps have not been taken, the petition mentioned reservation is deemed to have lapsed in view of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. Hence, Declaration as sought for is granted. The respondents are directed to make necessary changes in the relevant records.



W.P.(MD).No.17816 of 2021

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4. This Writ Petition is allowed accordingly. There shall be no order as to costs.

08.07.2022

Index : Yes / No
Internet : Yes/ No
Lm

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W.P.(MD).No.17816 of 2021

G.R.SWAMINATHAN, J.

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W.P.(MD).No.17816 of 2021

08.07.2022