



W.P(MD)No.18625 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18625 of 2022

1.Backiyalakshmi

2.Marimuthu

3.Irulayiammal

... Petitioners

Vs.

1.The Director,

Directorate of Town and Country Planning,
2, 3 & 4th Floor, C & E Market Road,
Koymbedu, Chennai – 600 107.

2.The Member Secretary,

Madurai Local Planning Authority,
Sector – 6, Anaiyur - Mudakkathan Main Road,
Koodalpuhur,
Madurai – 625 017.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents No.1 and 2 to release the petitioner's land measuring of 55 cents situated in Survey No.82/1 and 82/2 in Kochadai Village, Madurai West Taluk, Madurai District treating the Kochadai Village, Madurai West Taluk, Madurai District treating the Kochadai Detailed Development Plan No.3 of Madurai Local Planning area as lapsed under Section 38 of Tamil Nadu Town Country Planning Act 1971.



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For Petitioners : Mr.R.Karunanidhi

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

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was included in the detailed development plan published in the year 2005 and earmarked for road purposes. No consequential steps for acquisition of the property was taken within the next three years. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 is 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. Applying the aforesaid statutory mandate, it is declared that the petition mentioned land is released from the reservation which has long since lapsed. The respondents are directed to make the necessary changes in the relevant records.

4. The writ petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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