

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19865 of 2022

and

W.M.P(MD)No.14456 of 2022

1.Valambal
2.Saravanan
3.P.S.Swami Nayagam
4.Shanthi

... Petitioners

Vs

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

2.The Member Secretary,
Tiruchirappalli Town and Country Planning Authority,
Kajamalai Main Road,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, to declare the reservation made in respect of the petitioners' lands in Old Survey No.134/2, 134/3A, 134/3B, 134/4 Uyyakondan Thirumalai Village, Trichirapalli District forming part of the Uyyakondan Tirumalai Detailed Development Plan II 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. 8608 of 2019 dated 29.04.2019.

For Petitioners : Mr.M.Mahaboob Athiff
For Respondents : Mr.M.Sarangan
Additional Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petition mentioned lands were included in Uyyakondan Tirumalai Detailed Development Plan II scheme published in the year 2005. However, consequential steps for acquisition were not taken within next three years. 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.”

3. Applying the aforesaid statutory mandate, I declare that the petition mentioned reservation had already lapsed. The respondents are directed to make necessary changes in the relevant records. This writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

26.08.2022

Index : Yes / No
Internet : Yes/ No
mga

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G.R.SWAMINATHAN, J.

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