



W.P.(MD)No.19787 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19787 of 2022

M.Muneeswaran

... Petitioner

Vs

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

2.The Member Secretary,
Madurai Town and Country Planning Authority,
Madurai,
Madurai District.

... 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 petitioner's land in Survey No.23/2C, Uthangudi Village, Madurai East Taluk, Madurai forming part of Uthangudi North Detailed Development Plan 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 Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.G.Sivaraja
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petition mentioned land was included in Uthangudi North Detailed Development plan as a scheme road in the year 1997. However, consequential steps for acquisition were not taken within the 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.”



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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. No costs.

26.08.2022

Index : Yes / No
Internet : Yes/ No
mga

Note: Issue Order Copy on 08.09.2022.

To

- 1.The Director of Town and Country Planning,
807, Anna Salai,
Chennai,
Chennai District.
- 2.The Member Secretary,
Madurai Town and Country Planning Authority,
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G.R.SWAMINATHAN, J.

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