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W.P.(MD)NO.20219 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20219 of 2022

G.Shanmugasundar

... Petitioner

Vs.

1. The Director,
Tamil Nadu Town and Country Planning,
Anna Salai,
Chennai.

2. The Member Secretary / Assistant Director,
Local Planning Authority,
Kajamalai Main Road,
Kajamalai, Trichy – 620 023.

3. The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the reservation made in respect of the petitioner's land situated in survey No.T.S.No.98/3 ((Old SF No.151/2 Part) Block No. 14, New Ward J, Uyyakondan Thirumalai Village, K.Abishekapuram Division, Tiruchirappalli, forming part of Uyyakondan Thirumalai Detail Development Plan No.2 dated



09.02.2005 to have lapsed in the light of section 38 of Tamil Nadu Town and Country Planning Act 1971 (Tamil Nadu Act 35 of 1972).

For Petitioner : Mr.P.Rajkumar

For R-1 & R-2 : Mr.N.Ramesh Arumugam,
Government Advocate.

For R-3 : Mr.R.Baskaran,
Additional Advocate General.

* * *

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. No step for acquiring the petition mentioned land was taken within three years.

3. Section 38 of The Tamil Nadu Town and Country Planning Act reads as follows:-



“ 38. Release of land - If within three years

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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.”

4. Applying the aforesaid statutory mandate, I declare that the petition mentioned reservation has lapsed and the respondents are directed to make changes in the relevant records. This writ petition stands allowed. No costs.

29.08.2022

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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To:

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