

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20419 of 2022

M.A.S.Syed Mohamed

... Petitioner

Vs

1.The Director,
Directorate of Town and Country Planning,
2nd, 3rd & 4th Floor, C & E Market Road,
Koyembedu,
Chennai – 600 107.

2.The Member Secretary,
Tirunelveli Local Planning Authority,
Xavier Colony,
South Bypass Road,
Tirunelveli – 627 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents 1 and 2 to release the petitioner's land in an extent of 25 cents in Survey Number. 86/1, 2, 3/C situated at Melapalayam Village, Palayamkottai Taluk, Tirunelveli District earmarked for the “Melapalayam Detailed Development Plan No.5” by treating the “Melapalayam Detailed Development Plan No.5” as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mrs.S.Anusha
For Respondents : Mr.M.Sarangan
Additional Government Pleader for R.1

ORDER

Heard the learned counsel on either side.

2. The petition mentioned land was earmarked in the Melapalayam Detailed Development plan No.5 in the year 1998 as scheme road / park. However, consequential steps for acquiring the property were not taken. 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 set out under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 I declare that the reservation made in respect of the petition mentioned land has lapsed. The respondents are directed to make necessary changes in the relevant records. This writ petition is allowed.

4. This writ petition is allowed. No costs.

30.08.2022

Index : Yes / No
Internet : Yes/ No
mga

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G.R.SWAMINATHAN, J.

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