

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20679 of 2022

Ragav

... 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,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur – 613001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents No.1 and 2 to release the petitioner's land with an extent of 2 Acres 50 Cents in Town Survey Number 1748/2 and 1748/3 situated at Block No.33, 6th Ward, Kumbakonam Town, Kumbakonam Taluk, Thanjavur District treating the Kumbakonam Detailed Development Plan 7 as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.R.Karunanidhi
For R1 & R2 : Mr.M.Prakash
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petition mentioned lands were included in Kumbakonam Detailed Development Plan:7 published in the year 1973. No consequential steps for acquisition were 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 and in view of the inaction on the part of the respondents, it is declared that the reservation made in respect of the petition mentioned lands had lapsed. The respondents authority are directed to effect consequential changes in the relevant records.

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

01.09.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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