

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.20657 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,  
Trichirappalli Corporation,  
Trichirappalli.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare that the reservation made in respect of petitioner's land situated in survey No.T.S.No.94/3 (old SF Nos.51/1, No.51/1C), Block No.14, New Ward J, Uyyakondan Thirumalai Village, K.Abishekapuram Division, Tiruchirappalli forming part of Uyyankondan Thirumalai Detail Development plan no.2 dated 09.02.2005 to have lapsed in the light of section 38 of Tamilnadu Town and country planning act 1971 (Tamilnadu act 35 of 1972).

For Petitioner : Mr.P.Rajkumar  
For R1 & R2 : Mr.M.Sarangan  
Additional Government Pleader  
For R3 : Mr.R.Baskaran

**ORDER**

Heard the learned counsel on either side.

2.The petition mentioned land was included in Uyyankondan Thirumalai Detail Development Plan No.2 published in the year 2005. 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  
rmi

To

- 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.

W.P(MD)No.20657 of 2022

**G.R.SWAMINATHAN, J.**

rmi

W.P(MD)No.20657 of 2022

01.09.2022