



W.P(MD)No.27656 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27656 of 2022

1.P.R.Srinivasan

2.Puspam

... Petitioners

Vs

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai.

2.The Assistant Director,
District Town and Country Planning,
Virudhunagar District,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, to declare the reservation in respect of the lands of the petitioners situated in T.S.No. 6/1A and 6/1B, Ward E, Block 23 and in Survey No.222 at Ward No.E, Block No.21, Pudupalayam Village, Rajapalayam Taluk, Virudhunagar District under the Pudupalayam Detailed Development Plan Part-I to have lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act 1971.



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For Petitioners : Miss.Afritha Fathima
for M/s.Ajmal Associates

For Respondents : Mr.G.Suriyananth
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petition mentioned lands were included in Pudupalayam Detailed Development Plan part - I. The necessary notification under Section 27 of the Tamil Nadu Town and Country Planning Act, 1971 was published on 10.09.2008. It is not in dispute that consequential steps 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.”



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Applying the aforesaid statutory mandate and in view of inaction on the part of the respondents it is declared that the reservation made in the petition mentioned lands have lapsed. The respondents are directed to effect consequential challenges in the relevant records also. This writ petition is allowed. There shall be no order as to costs.

12.12.2022

Index : Yes / No
Internet : Yes/ No
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To

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