



W.P(MD)No.27995 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27995 of 2022

Surendran

... Petitioner

Vs.

1.The Principal Secretary,
Housing and Urban Development Department,
St.George Fort,
Secretariat,
Chennai-600 009.

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

3.The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur-613001.

4.The Commissioner,
Pattukottai Municipality,
Pattukottai,
Thanjavur District.

... Respondents



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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 to release the petitioner's land with an extent of 86.6 cents in Town Survey Number 16 (Survey Number 156/1A-pa and 156/2-pa) situated at Block No. 2 Ward A, Pattukottai Town, Pattukottai Taluk, Thanjavur District treating the Pattukottai Master Plan as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was reserved for road purposes in the detailed development plan in the year 1989. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 is 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



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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.In this case, within three years from the date of publication of the detailed development plan, the land was not acquired. Since consequential steps were not taken, it is declared that the reservation made in respect of the petition mentioned land is deemed to have lapsed. It stands released from such reservation in view of the aforesaid statutory provision. The respondents are directed to make the necessary changes in the revenue record.

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

21.12.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The Principal Secretary,
Housing and Urban Development Department,
St.George Fort,
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Chennai-600 009.



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G.R.SWAMINATHAN, J.

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