



W.P(MD)No.28181 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28181 of 2022

1.N.Mari Pandi

2.Velammal

3.M.Archana

4.M.Keerthana

... Petitioners

Vs

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

2.The Joint Director of Town and Country Planning,
Bypass Road, Tirunelveli

3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to declare that the reservation of land shown forming East-West and North-South Scheme Road shown in Perumalpuram Extension Detailed Development Plan No.9 comes in petitioner's land situated in T.S.No. 117 and 118/1 and 118/2 lies in T.S.Ward BM, Block 34, Tirunelveli City Municipality Corporation, Tirunelveli as lapsed and deemed to be released in light of "Section 38" of the Act, 1971.



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For Petitioners : Mr.H.Arumugam
For Respondents : Mr.M.Lingadurai
Special Government Pleader for R.1 & R.2

Mrs.M.Anitha Standing Counsel for R.3

ORDER

Heard the learned counsel on either side.

2.The petition mentioned lands were included in Perumalpuram Extension Detailed Development Plan No.9. The necessary notification under Section 27 of the Tamil Nadu Town and Country Planning Act, 1971 was published in the year 1999 itself. 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 changes in the relevant records also. This writ petition is allowed. There shall be no order as to costs.

22.12.2022

Index : Yes / No
Internet : Yes/ No
MGA

To

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Bypass Road, Tirunelveli
- 3.The Commissioner, Tirunelveli City Municipal Corporation, Tirunelveli



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