



W.P(MD)No.28372 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28372 of 2022

K.Jeyaraman

... Petitioner

Vs.

1.The Director of Town and Country Planning,
807, Anna Salai,
Chennai,
Chennai District.

2.The Member Secretary,
Madurai Town and Country Planning Authority,
Madurai,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation made in respect of the petitioner's land in Survey No. 17/1A, Uthangudi Village, Madurai East Taluk, Madurai, forming part of the Uthangudi North Detailed Development Plan to have lapsed in light of Sec.38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN ACT 35 of 1974) and the order made by this Court in WP(MD).No. 19787 of 2022 dated 26.08.2022.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.B.Saravanan
Additional Government Pleader



W.P(MD)No.28372 of 2022

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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 1997. 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 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.



W.P(MD)No.28372 of 2022

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

23.12.2022

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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