



W.P.No.3149 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. No.3149 of 2023

L.R.Subbarayan (a) Durairaj

... Petitioner

Vs.

1. The Secretary,
Housing and Urban Development Department,
Fort St. George,
Chennai – 600 015.
2. The Director of Town and Country Planning,
Office of the Directorate of Town and Country Planning,
Second, Third and Fourth Floor,
C and E Market Road,
Koyambedu,
Chennai 600 107.
3. The Member Secretary,
Erode Town and Country Planning Authority Office,
Chennimalai Road,
Opposite to Govt. I.T.T,
Erode – 638 009.

...Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Declaration, to declare the reservation made in respect of the properties in R.S.No.155/1 and R.S.No.155/2 in Punjailakkapuram Village, Modakkurichi Taluk, Erode District forming part of Punjailakkapuram Detailed Development Plan No.5 to have lapsed, in view of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 by appreciating the above stated facts.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.N.Naveenkumar
Government Advocate

ORDER

Writ Petition is filed praying for issuance of a Writ of Declaration to declare the reservation made in respect of the petitioner's land, in R.S.No.155/1 and R.S.No.155/2 in Punjailakkapuram Village, Modakkurichi Taluk, Erode District forming part of Punjailakkapuram Detailed Development Plan No.5 to have lapsed, in view of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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WEB COPY 2. Heard either side.

3. The Petition-mentioned land was the subject matter of Detailed Development Plan. It was earmarked for Scheme Road. The Gazette Notification was made way back in the year 2009. In this regard, it is useful to refer Section 38 of the Tamil Nadu Town and Country Planning Act, which reads as follows:

“ Section 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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4. In this case, no consequential steps for acquiring the petition-mentioned land, were taken within a period of three years, and therefore, the aforesaid provision will have to be given full effect. As a result, the subject property belonging to the petitioner, stands released from the said Detailed Development Plan.

5. With the above direction, this Writ Petition stands allowed. No costs.

10.02.2023

Index :Yes/No
Internet:Yes/No
nti



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To

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N. SATHISH KUMAR, J.
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