



W.P.No.9253 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.9253 of 2023

L.S.Sundarambal

...Petitioner

Vs

1. The Secretary

Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat,
Chennai 600 015

2. The Director of Town and Country Planning,
Office of the Directorate of Town and County Planning,
Second, Third and Fourth Floor,
C&E Market Road,
Koyambedu,
Chennai - 600 107

3. The Member Secretary,
Erode Town and Country Planning Authority Office,
Chennimalai Road,
Opposite to Govt ITI
Erode - 638 009

...Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution



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of India praying to issue a Writ of declaration to declare the reservation made in respect of the properties in R.S.No. 78/1 in Punjailakkapuram Village Modakkurichi Taluk Erode District forming part of Punjailakkapuram Detailed Development Plan No.7 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.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed for a direction to declare the reservation made in respect of property in RS No.78/1 in Punjailakkapuram Village, Modakkurichi Taluk, Erode District forming part of detailed development plan No.7 has lapsed by virtue of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter called as the Act).



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2. Heard Mr.M.Guruprasad, learned counsel for the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader for respondents.

3. The case of the petitioner is that B2-B2 and B3-B3 40 feet road scheme was announced and it was approved by the 3rd respondent through proceedings in ROC No.77/2005/ELPA dated 16.04.2008. According to the petitioner, no steps were taken to acquire the lands and it continued to be in possession and enjoyment of the petitioner. Hence, according to the petitioner, the development plan itself has lapsed in view of Section 38 of the Act. Accordingly, the petitioner has sought for a declaration to declare that the development plan No.7 has lapsed.

4. The 3rd respondent has filed an counter affidavit for the Town and Country Planning Office as well as the 1st and 2nd respondent. In the said counter affidavit, a specific stand has been taken as follows :-



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5. It is submitted that the above said proposed 'B3-B3' 40 feet road, B2-B2 40 feet Road and Open VII(PP-XIX) OSR areas were not acquired under Section 37 of Town and Country Planning Act, 1971.

5. It is clear from the above that the property belonging to the petitioner was not acquired under Section 37 of the Act and as a result of the same, the detailed development plan No.7 has lapsed.

6. In view of the above discussion, the subject property belonging to the petitioner stands released from the detailed development plan.

7. This writ petition is disposed of accordingly. No costs.

12.04.2023

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N.ANAND VENKATESH., J
rka

To

1. The Secretary
Housing and Urban Development Department,
Fort St. George,
Chennai 600 015
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Office of the Directorate of Town and County Planning,
Second, Third and Fourth Floor,
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