



W.P.No.11410 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11410 of 2023

P.Balasubramanian

... Petitioner

-Vs-

1.The Director of Town and Country Planning
Office of Directorate of Town and Country Planning
Second, Third and Fourth Floors
E and C Market Road
Koyambedu, Chennai-600 107.

2.The Member Secretary
Tiruppur Local Planning Authority
1st Floor, Kumaran Commercial Complex
Tiruppur-641 601.

3.Commissioner
Tiruppur Municipal Corporation
Tiruppur.

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, to declare that the reservation for "Lorry Parking and scheme roads" made in the property to the extent of 1.2941 acre comprised in (Old Ward-C, Block-1, T.S.No.9/1) New Ward-C, Block-5, TS.No.8 and (old Ward-C, Block-5, T.S.No.1,2), New Ward No.-C, Block-5, T.S.No.8,9,10, Tiruppur North Taluk, Tiruppur Corporation, Tiruppur ("Property") forming part of the Tiruppur Detailed Development Plan No.6 which was approved in ROC.No.711/2006/DP2 dated 26.04.2007 by Director of Town and Country Planning for Lorry Parking and Scheme roads and the same has been published in the Tamil Nadu Government Gazette No.20, Part VI-Section 1, on 23.05.2007 by the 1st Respondent



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herein, to have lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN Act 35 of 1974) and the decision of this Hon'ble Court in the case of Kannabiran Vs. The Director of Town and Country Planning, in W.P(MD).No.8515 of 2021 dated 25.06.2021.

For Petitioner Mr.P.Tamilmani

For Respondents Mr.C.Selvaraj
Additional Government Pleader

ORDER

Considering the fact that the issue involved in this writ petition is already covered by the earlier orders passed by this Court, the main writ petition itself is taken up for final hearing.

2.This writ petition has been filed for a declaration to declare that Tiruppur Detailed Development Plan No.6 approved through proceedings dated 26.04.2007 and published in the Government Gazette on 23.05.2007, by the 1st respondent, has lapsed insofar as the property belonging to the petitioner by virtue of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act').

3.Heard Mr.P.Tamilmani, learned counsel for the petitioner and Mr.C.Selvaraj, learned Additional Government Pleader for respondents.



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4.It is seen from records that the Tiruppur Detailed Development Plan No.6 was approved through proceedings dated 18.07.1983 and 13.05.1988 and a comprehensive draft Variation Plan under Section 33(1) of the Act, was approved by the Director of Town and Country Planning, through proceedings dated 26.04.2007. It was published in the Government Gazette on 23.05.2007. The property belonging to the petitioner also fell within this Development Plan. It is also seen from records that no steps were taken to acquire the land under Section 37 of the Act, within a period of three years from the date of publication of the Plan. In view of the same, the Development Plan has lapsed by virtue of Section 38 of the Act. The issue involved in this writ petition is squarely covered by the earlier orders passed by this Court on the very same question of law.

5.In the light of the above discussion, it is declared that the Tiruppur Detailed Development Plan No.6 has lapsed insofar as the property belonging to the petitioner is concerned and hence, the property of the petitioner shall stand released from the scheme.

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

13.04.2023

KP

Internet : Yes/No

Index : Yes/No

Speaking Order:Yes/No

Neutral Citation :Yes/No



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N.ANAND VENKATESH, J.

KP

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