



Writ Petition No.12093 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.12093 of 2023

1.G.Arun Lakshminarayanan
S/o.Late Sri A.L.Govindarajulu

2.S.Srivaradhan
S/o.Sri Sethuram

...Petitioners

Vs

1.The Director,
Directorate of Town and Country Planning,
CMDA Office Complex,
2nd, 3rd & 4th Floors E&C Market,
Koyambedu, Chennai - 600 107.

2.The Deputy Director,
Directorate of Town and Country Planning,
Corporation Commercial Complex, 2nd Floor,
Dr.Nanjappa Road, Coimbatore - 641 018.

3.The Member Secretary,
Coimbatore Local Planning Authority,
First Floor, Corporation Shopping Complex,
Raju Naidu Street, Sivananda Colony,
Coimbatore - 641 012.

...Respondents

Writ petition filed under Article 226 of the Constitution of India
praying to issue a Writ of declaration to declare the reservation made in



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respect of the properties in Survey No.300/2 (New No.300/2A Part), 302 (New No.302/1 Part, 302/2 Part), 301 Part, 300 Part and 303/1 Part in Vedapatti Village, Perur Taluk, Coimbatore District forming part of Vedapatti Detailed Development Plan No.3 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 Petitioners : Mr.M.Guruprasad

For Respondents : Mrs.S.Mythreya Chandru
Special Government Pleader

ORDER

This writ petition has been filed for a direction to declare the reservation made in respect of properties in Survey No.300/2 (New No.300/2A Part), 302 (New No.302/1 Part, 302/2 Part), 301 Part, 300 Part and 303/1 Part in Vedapatti Village, Perur Taluk, Coimbatore District forming part of Vedapatti Detailed Development Plan No.3, has lapsed by virtue of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter called as 'the Act').

2. Heard Mr.M.Guruprasad, learned counsel for the petitioners and Mrs.S.Mythreya Chandru, learned Special Government Pleader appearing for respondents.



3. The case of the petitioners is that "80 feet road & extension of 40 feet road" scheme was announced and it was approved on 09.12.1992.

According to the petitioners, no steps were taken to acquire the lands and it continued to be in possession and enjoyment of the petitioners. Hence, according to the petitioners, the development plan itself has lapsed in view of Section 38 of the Act. Accordingly, the petitioners have sought for a declaration to declare that the development plan No.3 has lapsed.

4. The main issue that has been urged before this Court is that the detailed development plan has lapsed under Section 38 of the Act, since the land has not been acquired within a period of three years from the date of publication of the notice under the Tamil Nadu Gazette.

5. This Court has consistently held that if the land has not been acquired within a period of three years from the date of publishing the detailed development plan in the Gazette, the concerned lands shall be deemed to be released from such reservation. In the present case, the respondents had failed to take any steps to acquire the subject land therefore, by operation of Section 38 of the Act, the scheme has lapsed.



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

This writ petition is disposed of accordingly. No costs.

20.04.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

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N.ANAND VENKATESH, J

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