



WEB COPY



Writ Petition No.19532 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.19532 of 2023

- 1.P.Ganesan
- 2.P.Kandasamy
- 3.K.Selvi
- 4.G.Bagialakshmi
- 5.B.Madhumitha
- 6.C.Velusamy
- 7.V.Devaki
- 8.C.V.Abayan
- 9.P.Thangavelu
- 10.P.Rajamani
- 11.V.Sivakumar

...Petitioners

Vs

- 1.The Director of Town and Country Planning,
Office of the Directorate of Town and Country Planning,
Second, Third and Fourth Floor,
C&E Market Road,
Koyambedu, Chennai – 600 107.
- 2.The Member Secretary,
Tiruppur Local Planning Authority Office,
1st Floor, Kumaran Commercial Complex,
Tiruppur – 641 601.
- 3.The Commissioner,
Dharapuram Municipality,
Dharapuram, Tiruppur.

...Respondents



Writ Petition No.19532 of 2023

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of declaration to declare that the property comprised in Old T.S.No.58 New T.S.No.36 at presently Sub Divided T.S.Nos.36/1 and 36/2 and totally measuring to an extent acres 4.42 acres situated at Kaspa Dharapuram Town Municipal Revenue Ward 3 Block 2 North Roman Catholic Street, Dharapuram Taluk, Tiruppur District (property) forming part of MAP which was approved in proceeding No.9266/99/DP2 dated 28.02.2001 for Dharapuram Local Planning Area Detailed Development Plan No.6, by the 1st respondent for a B3-B3-12.20 M Road and stadium the same has been published in the Tamil Nadu Government Gazette No.20 in Part-VI-Section-1 dated 30.05.2001 by the 1st respondent 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 decisions of this 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 and in the case of P.Balasubramanian vs. The Director of Town and Country Planning, in W.P.No.11410 of 2023 dated 13.04.2023.

For Petitioners : Mr.P.Tamilmani

For Respondents : Mr.C.Selvaraj
Additional Government Pleader
for R1 and R2

Mr.P.Srinivas
Standing Counsel for R3



Writ Petition No.19532 of 2023

ORDER

This writ petition has been filed for a direction to declare that the property comprised in Old T.S.No.58 New T.S.No.36 at presently Sub Divided T.S.Nos.36/1 and 36/2 and totally measuring to an extent acres 4.42 acres situated at Kaspas Dharapuram Town Municipal Revenue Ward 3 Block 2 North Roman Catholic Street, Dharapuram Taluk, Tiruppur District forming part of MAP which was approved in proceeding No.9266/99/DP2 dated 28.02.2001 for Dharapuram Local Planning Area Detailed Development Plan No.6, by the 1st respondent for a B3-B3-12.20 M Road 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.P.Tamilmani, learned counsel for petitioners, Mr.C.Selvaraj, learned Additional Government Pleader, appearing for 1st and 2nd respondents and Mr.P.Srinivas, learned Standing Counsel, appearing for 3rd respondent.



Writ Petition No.19532 of 2023

3. The case of the petitioners is that Dharapuram Local Planning Area Detailed Development Plan No.6 was announced and it was approved by the first respondent through proceedings in proceeding No.9266/99/DP2. 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



Writ Petition No.19532 of 2023

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.

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

This writ petition is disposed of accordingly. No costs.

30.06.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

ssr

To

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

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



WEB COPY



Writ Petition No.19532 of 2023

N.ANAND VENKATESH., J

SSR

3.The Commissioner,
Dharapuram Municipality,
Dharapuram, Tiruppur.

Writ Petition No.19532 of 2023

30.06.2023