



W.P(MD)No.58 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.58 of 2023

Navaneethakrishnan Kopula Ragavan,
Rep. by his Power of Attorney,
K.S.Ragavan.

... Petitioner

Vs.

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai.

2.The Member Secretary,
Madurai Town and Local Planning Authority,
Corporation Building Complex,
3rd Floor, Anna Maligai, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation in respect of the land of the petitioner situates in Town Survey No.67, R.S.No,128-2CPT, Ward No.XXI, Madakulam village, Thiruparankundaram Taluk, Madurai under the Madurai South West Extension - Part VII Detailed Development Plan to have lapsed in light of Section 38 of the Tamilnadu Town and Country Planning act 1971.



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For Petitioner : Ms.N.Sumitha,
For M/s.Ajmal Associates.

For Respondents : Mrs.S.Jeya Priya,
Government Advocate.

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was reserved for road purposes in the detailed development plan in the year 1991. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 is follows:-

“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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3.In this case, within three years from the date of publication of the detailed development plan, the land was not acquired. Since consequential steps were not taken, it is declared that the reservation made in respect of the petition mentioned land is deemed to have lapsed. It stands released from such reservation in view of the aforesaid statutory provision. The respondents are directed to make the necessary changes in the revenue record.

4.The writ petition is allowed accordingly. No costs.

12.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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