



W.P(MD)No.1456 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.1456 of 2023

1.Mani

2.Kannan

... Petitioners

**Vs.**

1.The Director of Town and Country Planning,  
807, Anna Salai,  
Chennai.

2.The Member Secretary,  
Melur Local Planning Authority,  
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 made in respect of the petitioner's land in old Survey Number 74/10B in TS No. 17/7 Ward C, Block 4, Melur Village, Melur Taluk, Madurai District and old Survey Nos.74/11 and 74/12 in TS No.17/5 Ward C, Block 4, Melur Village, Melur Taluk, Madurai District Melur Local Planning Area Detailed Development Plan Number (5) to have lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971 and release the same from reservation.



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For Petitioner : Mr.S.Poornachandran

For Respondents : Mrs.S.Jeyapriya  
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 1994. 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.”*

3.In this case, within three years from the date of publication of the detailed development plan, the land was not acquired. Since consequential



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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.

**01.02.2023**

Index : Yes / No  
Internet : Yes/ No  
rmi/skm

To

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**G.R.SWAMINATHAN, J.**

rmi/skm

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