



W.P(MD)No.802 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.802 of 2023

Saravanan

... Petitioner

V.

1.The Director,
Directorate of Town and Country
Planning,
2nd, 3rd & 4th Floor, C&E Market Road,
Koyembedu, Chennai – 600 107.

2.The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar, 2nd Street,
Thanjavur – 613 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents No.1 and 2 to release the petitioner's land measuring of 10793.75 Square feet situated in Survey No.118/6A, 118/2A2, 118/6B1 and 118/6B2 in Nanjikottai Village, Thanjavur Taluk, Thanjavur District treating the "Thanjavur Master Plan" of Thanjavur Local Planning Area as lapsed under Section 38 of Tamil Nadu Town Country Planning Act, 1971.



W.P(MD)No.802 of 2023

For Petitioners : Mr.R.Karunanidhi

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petition mentioned lands were included in Thanjavur Master Plan of Thanjavur Local Planning Area. The necessary notification under Section 27 of the Tamil Nadu Town and Country Planning Act, 1971 was published on 09.08.1995. It is not in dispute that consequential steps were not taken. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 reads as 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."



W.P(MD)No.802 of 2023

Applying the aforesaid statutory mandate and in view of inaction on the part of the respondents it is declared that the reservation made in the petition mentioned lands have lapsed. The respondents are directed to effect consequential changes in the relevant records also. This writ petition is allowed. There shall be no order as to costs.

01.02.2023

Index : Yes / No
Internet : Yes/ No
skm

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G.R.SWAMINATHAN, J.

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