



W.P(MD)No.2038 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2038 of 2023

Rajamohan

... Petitioner

Vs

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

2.The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar, 2nd Street,
Medical College Road,
Thanjavur - 613 007.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's land with an extent of 9840 Square feet in Survey Number: 239/109 situated at Nanjikottai, Thanjavur Taluk, Thanjavur District treating the "Nanjikottai Detailed Development Plan No.3" as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.R.Karunanidhi



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For Respondents : Mrs.S.Jeyapriya
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petition mentioned land was included in Nanjikottai Detailed Development Plan No.3. The necessary notification under Section 27 of the Tamil Nadu Town and Country Planning Act, 1971 was published on 31.08.2011. 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.”



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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 has 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.

14.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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G.R.SWAMINATHAN, J.

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