



W.P(MD)No.3245 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3245 of 2023

1.N.Nagu
2.M.Nagarajan

... Petitioners

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 Country Planning Authority,
Corporation Building Complex,
3rd Floor, Anna Maligai,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of declaration to declare the reservation in respect of the land of the petitioner situates in Old Survey No. 282/6, Town Survey No.12/3A and 3B, Ward No.22, Block No.29, Madakulam Village, Thiruparankundaram Taluk, Madurai under the Ponmeni Detailed Development Plan Part-III to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act 1971.



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For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Association

For Respondents : Mr.G.Suriyananth
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petition mentioned property was included in the Ponmeni Detailed Development Plan Part-III. However, consequential steps for acquiring the property 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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3. Even though the detailed Development Plan that is the subject matter of this writ petition was issued under the earlier Act, the statutory mandate set out under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 is equally applicable. Once consequential steps for acquiring land covered under the detailed Development Plan have not been taken within the stipulated period, the reservation will automatically lapse. It is declared that the reservation made in respect of the petition mentioned land has lapsed. The respondents are directed to make necessary changes in the relevant records.

4. This writ petition is allowed. No costs.

03.03.2023

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

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G.R.SWAMINATHAN, J.

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To

1.The Director,
Directorate of Town and Country Planning,
No.607, Anna Salai,
Chennai.

2.The Member Secretary,
District Local Planning Authority,
Collectorate Campus,
Nagercoil, Kanyakumari District.

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