



W.P(MD)No.3292 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3292 of 2023

William Jebes Bensam

... Petitioner

Vs

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.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring the petitioner's land in Resurvey No.A1/43-12 to an extent of 52 cents of Vadasery Village, Nagercoil, Kanyakumari District is deemed to be released as per section 38 of the Town and Country Planning Act, 1971 from the alleged proposed scheme road.

For Petitioner : Mr.M.Ashok Padmaraj

For Respondents : Mr.M.Lingadurai
Special Government Pleader



W.P(MD)No.3292 of 2023

WEB COPY

ORDER

Heard the learned counsel on either side.

2. The petition mentioned property was included in the detailed Development Plan. 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.”

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



W.P(MD)No.3292 of 2023

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

pnn



WEB COPY



W.P(MD)No.3292 of 2023

G.R.SWAMINATHAN, J.

pnn

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.

W.P(MD)No.3292 of 2023

03.03.2023