



W.P(MD)No.11085 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.11085 of 2023

Mohammed Khansha

... Petitioner

Vs.

- 1.The Deputy Director of Town and
Country Planning Authority,
Madurai Corporation Campus,
Madurai.
- 2.The Member Secretary
Madurai Local Planning Authority,
Madurai Corporation Campus,
Madurai.
- 3.The Commissioner
Madurai Municipal Corporation,
Madurai.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to



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issue the "No Objection Certificate" to the petitioner and his family member pertaining to the land comprised in Survey No.104/6 to an extent of 0.20.50 Hectares, Survey No.104/7B to an extent of 0.15.50 Hectares situated at Uthangudi Revenue village, Madurai East Taluk, Madurai District, on the basis of the petitioner's representation dated 06.03.2023.

For Petitioner : Mr.M.Sridharan

For Respondents : Mrs.D.Farjana Ghoushia, - for R1 & R2
Special Government Pleader

Mr.S.Vinayak - for R3

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking a direction to the second respondent to issue "No Objection Certificate" to the petitioner and his family members relating to the lands in Survey No.104/6 measuring 0.20.50 Hectares and in Survey No.104/7B measuring 0.15.50 Hectares at Uthangudi Revenue



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Village, Madurai East Taluk, Madurai District. The petitioner had given a representation on 06.03.2023.

2. Heard Mr.M.Sridharan, learned counsel for the petitioner, Mrs.D.Farjana Ghoushia, learned Special Government Pleader for the respondents 1 and 2 and Mr.S.Vinayak learned counsel for the third respondent.

3. The aforementioned lands, which were the ancestral lands of the petitioner herein, had been acquired by the Government for the purpose of development scheme as proposed by the Corporation of Madurai. However, it is stated that even though five years had passed, the physical possession of the lands had not been taken.

4. Rule 38 of the Tamil Nadu Town and Country Planning Act, 1971, is 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-



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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."

5. The learned Special Government Pleader had forwarded written instructions, wherein, it had been stated that even after five years, the lands have not been acquired or rather taken possession of by the respondents herein.

6. In view of that particular fact, I hold that the land is deemed to be released from such reservation, allotment or designation.

7. A direction is given to the second respondent, to give "No Objection Certificate" within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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8. With the above directions, the Writ petition stands disposed of. No costs.

01.06.2023

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

RM

To

- 1.The Deputy Director of Town and
Country Planning Authority,
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Madurai.
- 2.The Member Secretary
Madurai Local Planning Authority,
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C.V.KARTHIKEYAN, J.

RM

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