



W.P(MD)No.11512 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11512 of 2023

and

W.M.P(MD)No.10010 of 2023

1.R.Kasipandian
2.K.Ramasamy
3.K.Muthuraman

... Petitioners

Vs

1.The Director / Commissioner,
Directorate of Town and Country Planning,
Chepauk,
Chennai – 600 006.

2.The Member Secretary /
Joint Director,
Tirunelveli Local Planning Authority,
Tirunelveli – 05.

3.The Tirunelveli City Municipal Corporation,
Represented by its Commissioner,
Tirunelveli City.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring the detailed development plan map number 5 issued by the first respondent in TVLR DTCP NO.13/2012



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VIDE PRO ROC NO. 12523/09 DP2 dated /7/2012 earmarking the petitioners' property in Survey No.511/1B and 511/1C situated in Kulavanigarpuram village, Palayamkottai taluk, Tirunelveli district, Now Town Survey No.17/1, Block 7, Ward BM, Melapalayam Zone, Tirunelveli city, total measuring 1 acre 50 cents as public purpose, as lapsed in the light of Section 38 of Tamilnadu Town and Country Planning Act, 1971.

For Petitioners : Mr.Sricharan Rangarajan
Senior Counsel
for Mr.R.J.Karthick

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.S.Shanmugavel
Additional Government Pleader
for R.1 & R.2

ORDER

Heard the learned Senior Counsel appearing for the writ petitioners and the learned Additional Advocate General assisted by the learned Additional Government Pleader appearing for the respondents 1 and 2.

2. The petition mentioned land was originally covered by the Detailed Development Plan published in the year 2003. There was variation in the year 2004, final Detailed Development Plan was published in the year 2012 and Map No.5 was published in the year 2012. It is not in dispute that consequential steps for acquiring the land were not taken within three years.



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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.”

Applying the aforesaid statutory mandate, it is declared that the petition mentioned land stands released.

3. It is seen that the petitioners are submitted an application for developing the property. The third respondent shall consider the petitioner's application in accordance with law.

4. This writ petition is allowed on these terms. Since I have declared that their Detailed Development Plan in respect of the petition mentioned land has already lapsed, the authorities shall carry out the corresponding changes in the



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relevant records. There shall be no orders as to costs. Consequently,
connected miscellaneous petition is closed.

11.05.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

To

1.The Director / Commissioner,
Directorate of Town and Country Planning,
Chepauk,
Chennai – 600 006.

2.The Member Secretary /
Joint Director,
Tirunelveli Local Planning Authority,
Tirunelveli – 05.

3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli City.



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G.R.SWAMINATHAN, J.

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