



W.P.(MD).No.11857 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.05.2023

CORAM:

THE HONOURABLE Mr. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.11857 of 2023

and

W.M.P.(MD)Nos.10263 and 10264 of 2023

1.S.Gandhi
2.Saravanan

... Petitioners

Vs.

1.The District of Town and Country Planning,
807, Anna Salai,
Chennai,
Chennai District.

2.The Member Secretary,
Theni Town and Country Planning Authority,
Theni,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Declaration, to declare the reservation made in respect of the petitioners land in Survey No.217/2D, Melachokanathapuram Village, Bodinayakkanur, Theni District forming part of the Kusavapalayam Detailed Development Plan to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971



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(TNACT 35 of 1974).

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For Petitioner
For Respondents

: Mr.M.Jerin Mathew
: Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was covered by detailed development plan published wayback in the year 1994. Consequential acquisition proceedings were not taken within three year thereafter. Section 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-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



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deemed to be released from such reservation, allotment or designation.”

3.Applying the statutory mandate, the petition mentioned land reserved under the plan is deemed to have been released. Since this Court has given such a declaration, the respondents are directed to make the consequential and corresponding changes in the relevant records also.

4.The Writ Petition is allowed accordingly. No Costs. Consequently, connected miscellaneous petitions are closed.

12.05.2023

NCC: Yes/No
Index: Yes/No
Internet: Yes/No
mrn/cp



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G.R.SWAMINATHAN, J.

Mrn/cp

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