



W.P(MD)No.22062 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22062 of 2022

Baskaran

... Petitioner

Vs

- 1.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai – 600 002.
- 2.The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar,
2nd Street, Medical College Road,
Thanjavur – 613 001.
- 3.The Commissioner,
Kumbakonam Municipal Corporation,
Kumbakonam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to release the petitioner property comprised in Town Survey No. 1077 in Old Survey No. 1077/2 of an extent of 1690 1/2 sq ft. situated at Dr Murthy Road, Ward No. 1, Kumbakonam Town, Thanjavur District which is earmarked for the



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Ullur Detailed Development Plan No.1, by treating the Ullur Detailed Development Plan No.1 as lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act 1971 and consequently direct the third respondent herein to grant plan approval on the basis of the petitioner's application dated 22.04.2022 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.B.Saravanan
Additional Government Pleader
for R.1 & R.2

Mr.M.Rajarajan for R.3

ORDER

Heard the learned counsel on either side.

2. The petition mentioned lands were included in Ullur Detailed Development Plan No.1. The necessary notification under Section 27 of the Tamil Nadu Town and Country Planning Act, 1971 was published on 16.11.1972. It is not in dispute that consequential steps 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



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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 and in view of inaction on the part of the respondents it is declared that the reservation made in the petition mentioned lands has lapsed. The respondents are directed to effect consequential changes in the relevant records also. This writ petition is allowed. There shall be no order as to costs.

04.01.2023

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

To

1.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai – 600 002.



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G.R.SWAMINATHAN, J.

MGA

- 2.The Member Secretary,
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