



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.01.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.22820 of 2022

D.R.Elangovan

... Petitioner

v.

1.The Director,
Directorate of Town and Country
Planning
2nd, 3rd & 4th Floor, C&E Market Road,
Koyambedu, Chennai – 600 107.

2.The Assistant Director,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd Street,
Medical College Road, Thanjavur – 613 001.

3.The Commissioner/Member Secretary,
Pattukottai Municipality,
Pattukottai, Thanjavur District.

... Respondents

(Cause title was amended vide order dated 20.01.2023)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents No.1 to 3 to release the petitioner's land with an extent of 1 Acre 49.5 Cents in Town Survey Number 17 and 19/2 situated at Block No.42, Ward A, Pattukottai Town, Pattukottai Taluk, Thanjavur District treating the Kottaikulam Detailed Development Plan as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.A.K.Manikkam

Special Government Pleader

for R1 & R2

No appearance for R3

ORDER

Heard the learned counsel on either side.

2.The petition mentioned lands were included in Kottaikulam Detailed Development Plan. Necessary notification under Section 27 of the Tamil Nadu Town and Country Planning Act, 1971 was published on 05.09.1990. 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 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



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(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 been 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.

20.01.2023

Index : Yes / No
Internet : Yes/ No
skm

To

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G.R.SWAMINATHAN, J.

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