



W.P(MD)No.21101 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21101 of 2023

M/s.Sai Sukran Ventures Private Limited,
Represented by its Managing Director,
Naresh Subramani

... Petitioner

Vs.

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

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of declaration, to declare the reservation made in respect of the petitioner's land in Old T.S.No. 1685/part, New Survey No.1685/0, Ward 6, Block 43, Bodinaickanpatty Dindigul District, forming part of the Bodinaickanpatty Detailed Development plan to have lapsed in light of Sec.38 of the Tamil Nadu Town and Country Planning Act , 1971 (TN Act 35 of 1974).



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For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.S.Ra.Ramachandran,
Additional Government Pleader

ORDER

Heard both sides.

2. The petition mentioned site was ear-marked as “Park” in the Detailed Development Plan published in the year 2005. Consequential acquisition steps were not taken within three years. 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 acquisition of land 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 or a Land Pooling Area Development Scheme 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:

Provided that the Government may, by notification, extend the period for such time as they may think proper, but such extended period shall, in no case, exceed five years.].”

3. Applying the statutory mandate, it is declared that the reservation made in respect of the petition mentioned land stands lapsed and released. The respondents are directed to make consequential changes in the relevant records.

4. Accordingly, the Writ Petition is allowed. No costs.

19.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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