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W.P.(MD)NO.25718 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25718 of 2022

K.Periyannan Pillai @ K.Periyannan,
Rep. by his power of attorney
K.J.Palaniraja,
S/o.K.N.Jayaraman

... Petitioner

Vs.

1. The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai – 600 002.
2. The Commissioner,
Trichy City Corporation,
Trichy.
3. The Joint Director,
O/o.The District Town and Country Planning,
Trichy.
4. The Member Secretary,
Trichy Local Planning Authority,
Trichy District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to release the petitioner's property comprised in New Town Survey Ward : AL, Block No. 13, New



Town Survey No. 18,19 and 20 which is equitant to old Survey No.333A/4 and sub divided old Survey Number 333A/4A of an extent of 0.44.0 Ares having patta No. 385, Old Survey No.333A/3 of an extent of 0.13.0 Ares having patta No. 634, Old Survey No. 333A/2 of an extent of 0.31.0 Ares having patta No.634 situated and old Suvey No. 321A/1A and sub divided old Survey number 321/B/1 of an extent of 0.45.5 Ares having Patta No. 502 at Kottapattu Village, Trichy East Taluk and Trichy District, by treating the Detailed Development Plan as lapsed in the light of Section 38 of Tamilnadu Town and Country Planning Act 1971 on the basis of the petitioner's representation dated 03.10.2022 within the time stipulated by this Court.

For Petitioner : Mr.B.Jameel Arasu

For R-2 : Mr.R.Baskaran,
Additional Advocate General.

For R-1,R-3&R-4 : Mr.B.Saravanan,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.



2. The petition mentioned land was included in the detailed development plan published in the year 2003. No step for acquiring the petition mentioned land was taken within three years.

3. Section 38 of The Tamil Nadu Town and Country Planning Act 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.”



4. Applying the aforesaid statutory mandate, I declare that the petition mentioned reservation has lapsed and the respondents are directed to make changes in the relevant records. This writ petition stands allowed. No costs.

11.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No

PMU

To:

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G.R.SWAMINATHAN,J.

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