



W.P(MD)No.24468 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24468 of 2023

Sri Chima Pyro Tech,
Represented by its Partner,
Shri.A.Balasubramanian,
S/o.Arumugasamy,
No.55A, Kamak Road,
Sivakasi – 626 189.

... Petitioner

Vs.

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

2.The Commissioner,
Madurai Corporation,
Madurai.

3.The Member Secretary,
Madurai Local Planning Authority,
Madurai Corporation,
Madurai.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the reservation made in respect of the petitioner's land in Re-Survey No. 27/5A2, Patta no. 1604, Melamadai bit-II, Madurai East, Madurai, and Re-Survey No. 27/5B, Patta No. 1605, Melamadai Bit-II, Madurai East, Madurai, forming part of the Melamadai (Bit-II) Detailed Development Plan No. 2 to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act 1971.

For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.M.Prakash
Additional Government Pleader
for R.1 & R.3

Mr.K.Sivabalan for R.2

ORDER

Heard both sides.

2. The petition mentioned land was included in the Melamadai (Bit-II) Detailed Development Plan No. 2 and earmarked as scheme road. The plan was published way back in the year 2008. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 read as follows:



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“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.”

In this case, it is beyond dispute that consequential steps for acquisition were not taken. Therefore, the land in question is deemed to have been released from the reservation made in the development plan.

3. Declaration sought for is granted. The respondents are directed to make necessary changes in the revenue records also. It shall be done as expeditiously as possible.



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4. This writ petition is allowed accordingly. There shall be no order as to costs.

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

MGA

To

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G.R.SWAMINATHAN, J.

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