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W.P.(MD)NO.24698 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.24698 of 2023

M.Chairmakkani

... Petitioner

Vs.

1. The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai.

2. The Member Secretary,
Madurai Town and Country Planning Authority,
Corporation Building Complex,
3rd Floor, Anna Maligai,
Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the reservation in respect of the land of the petitioner situates at S.No.256/5A, Ward No.XXII, Block No.28 Madakulam Village, Thiruparankundram Taluk, Madurai under Madakulam Detailed Development Plan No.III to have lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act 1971.

For Petitioner : Ms.A.Shapna,
for M/s.Ajmal Associates.

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

* * *



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ORDER

Heard both sides.

2. The petition-mentioned lands were the subject matter of Madakulam Detailed Development Plan No.III. The property was earmarked for the formation of scheme road. The development plan was published way back in the year 1991. It is beyond dispute that the petition-mentioned lands were not acquired within five years thereafter. Section 38 of the Tamil Nadu Town and Country Planning Act 1971 reads as follows:-

“ 38. Release of land - If within five 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 made in respect of any land reserved, allotted or designated for any purpose specified in a Regional Plan, Master Plan, Detailed Development Plan, New Town Development Plan or a Land Pooling Area Development Scheme 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.

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 aforesaid statutory mandate, it is declared that the reservation made in respect of the petition-mentioned land is deemed to have lapsed. The respondents are directed to make corresponding changes in the relevant records. This writ petition stands allowed. No costs.

01.11.2023

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

PMU



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G.R.SWAMINATHAN,J.

PMU

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