



W.P(MD)No.25589 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25589 of 2023

C.Kamalam

... Petitioner

Vs.

1.The Director

Town and Country Planning Department,
CMDA Building,
Koyambedu,
Chennai - 600 017.

2 .The Member Secretary / Joint Director,
District Town and Country Planning Officer,
Kajamalai, Trichy, Trichy District.

3.The Commissioner
Trichy Corporation,
Trichy, Trichy District.

... Respondents

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 admeasuring to an extent of 1910 Sq.Ft (177.44 Sq.mt) in T.S.No.131, Block No.2, New Ward-C, Ward No.3, Vellithirumutham Village, Srirangam Taluk, Trichy District, forming part of Bye-Pass Road Detailed Development Plan - II in Road 40 feet Width F5 road approved under Section 33(1) of Tamil



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Nadu Town and Country Planning Act, 1971, by the first respondent in Roc.No.34691/2000 DP3 dated 21.08.2002 to have lapsed in the light of the Section 38 of Tamil Nadu Town and Country Planning Act, 1971 (Tamil nadu Act of 1972).

For Petitioner : Mr.K.Ponnaiah

For R-1 & R-2 : Mr.M.Sidharthan,
Additional Government Pleader

For R-3 : Mr.Kishore Ram
for RB Law Associates

ORDER

Heard both sides.

2. The petition mentioned land was earmarked for road purposes in the Detailed Development Plan issued in the year 2002. 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



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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

(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.



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

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

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G.R.SWAMINATHAN, J.

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