



W.P(MD)No.25952 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25952 of 2023

and

W.M.P.(MD).No.22309 of 2023

N.Balakrishnan

... Petitioner

Vs.

1.The Director / Commissioner,
Directorate of Town and Country Planning,
Chepauk, Chennai - 600 006.

2.The Member Secretary / Joint Director,
Tiruchirappalli Local Planning Authority,
Tiruchirappalli.

3.The Tiruchirappalli Corporation,
Represented by its Commissioner,
Tiruchirappalli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Bye Pass Road Detailed Development Plan No.II Map No.5 issued by the 1st respondent in DDP(V)/DTCP/Spl. CTCP No.15/2002 vide proceedings in Roc.No. 34691/2KDP3 dated 21.08.2002 earmarking the petitioners property in S.F.No. 116/2 measuring 1 acre S.F.No.107/1B2A measuring 51 cents and S.F.No.110 measuring 45 situated in Vellithirumutham Block 0002, Ward "C", Srirangam Town, Srirangam



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Taluk, Tiruchirappalli District as “reserved for public purpose and park “, “existing roads, streets and lanes”, proposed roads and streets to be formed by the owners” respectively as lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.M.Siddharthan,
Additional Government Pleader.
(For R1 & R-2)

Mr.Kishore Ram,
For RB. Law Associates
(For R-3)

ORDER

Heard the learned counsel on either side.

2. The petition mentioned land belonging to the petitioner was earmarked for formation of road in the Detailed Development Plan published in the year 2002. It is stated that consequential steps for acquisition 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-



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(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

(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 the Detailed Development Plan in respect of the petition mentioned land stands lapsed. The respondents are directed to make consequential changes in the relevant records. The declaration sought for is granted.



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

Consequently, the connected miscellaneous petition is closed.

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

tsg

To

1.The Director / Commissioner,
Directorate of Town and Country Planning,
Chepauk, Chennai - 600 006.

2.The Member Secretary / Joint Director,
Tiruchirappalli Local Planning Authority,
Tiruchirappalli.



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G.R.SWAMINATHAN, J.

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