



W.P(MD)No.26735 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26735 of 2023

M.Preethi

... Petitioner

Vs.

The Member Secretary,
Madurai Town and Country Planning Authority,
Madurai,
Madurai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation made in respect of the petitioner's land in Town Survey No. 17/9 and 17/10, Melur Taluk, Madurai District forming part of the Melur Detailed Development Plan No. 5 to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN ACT 35 of 1974) and the order made in W.P(MD)No.1456/2023 dated 01.02.2023 in respect of the adjacent land of the petitioner.



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For Petitioner : Mr. M.Mahaboob Athiff
for.Mr.Shaazim Shagar

For Respondent : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. The petition mentioned land was shown as earmarked for scheme road in the Detailed Development Plan published in the year 2009. It is beyond dispute that consequential steps for acquisition were not taken within three years thereafter. 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 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



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(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.”

Applying the statutory mandate, it is declared that the petition mentioned reservation is deemed to have lapsed. Declaration sought for by the petitioner is granted. The respondent is directed to make necessary changes in the relevant records.

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

08.11.2023

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

To

The Member Secretary,
Madurai Town and Country Planning Authority,
Madurai,
Madurai District.



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G.R.SWAMINATHAN, J.

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