



W.P(MD)No.27200 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27200 of 2023

and

W.M.P(MD)No.23381 of 2023

M.Malai

... Petitioner

Vs.

1.The Director,
Town and Country Planning,
807, Anna Salai,
Chennai – 600 002.

2.The District Collector /
Member Secretary,
Local Planning Authority,
Thoothukudi,
Thoothukudi District.

3.The Tahsildar,
Taluk Office,
Thoothukudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Director of Town and Country Planning Authority, the first respondent and other



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respondents to declare that the petitioner's land of an extent of 4700 Square meter comprised in Survey No.274/1A at Sankaraperi Village, Thoothukudi Taluk and District is deemed to be released from the reservation of Section 38 of Town and Country Planning Act and consequently direct the respondents to pass appropriate orders for release the petitioner's land comprised in Survey No.274/1A of an extent of 4700 Sq. meter at Sankaraperi Village, Thoothukudi Taluk and District by considering the representation dated 20.06.2023 of the petitioner.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner's land was reserved for scheme road in the Detailed Development Plan published in the year 2011. It is seen that consequential steps for acquisition were not taken. The unamended Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 read 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 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.”

Applying the statutory mandate, it is declared that the petition mentioned reservation stood lapsed. The declaration sought for by the petitioner is granted. The respondents are directed to make consequential changes in the relevant record.

3. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

15.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

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