



W.P(MD)Nos.29118 to 29120 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.29118 to 29120 of 2022

Rahman Beevi ... Petitioner in W.P.(MD)No.29118 of 2022

Ismail ... Petitioner in W.P.(MD)No.29119 of 2022

Mumtaj Begum ... Petitioner in W.P.(MD)No.29120 of 2022

Vs.

1.The Director

Directorate of Town and Country Planning
2nd, 3rd & 4th Floor, C & E Market Road,
Koyembedu,
Chennai-600 107.

2.The Member Secretary,

Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur-613007.

... Respondents in all W.Ps.

Prayer in W.P.(MD)No.29119 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 & 2 to release the petitioner's land measuring of 6 Acres 50 cents situated in Town Survey Nos.499, 508/1, 509/1, 509/2, 510/2 and 510/3 situated at 2nd Ward, Block Nos.22 and 23, Karunthattangudi, Thanjavur Town, Thanjavur District treating “Karanthai Detailed Development Plan No.6” of Thanjavur Local Planning Area as lapsed under Section 38 of



W.P.(MD)Nos.29118 to 29120 of 2022

Tamil Nadu Town and Country Planning Act, 1971.

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Prayer in W.P.(MD)No.29119 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 & 2 to release the petitioner's land measuring of 2 Acres 66 cents situated in Town Survey Nos.507/1, 507/2 & 508/2 situated at 2nd Ward, Block Nos.22 and 23, Karunthattangudi, Thanjavur Town, Thanjavur District treating “Karanthai Detailed Development Plan No.6” of Thanjavur Local Planning Area as lapsed under Section 38 of Tamil Nadu Town and Country Planning Act, 1971.

Prayer in W.P.(MD)No.29120 of 2022 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 & 2 to release the petitioner's land measuring of 85 cents situated in Town Survey No.3157 situated at 1st Ward, Block No.88 Karunthattangudi, Thanjavur Town, Thanjavur District treating “Karanthai Detailed Development Plan No.4” of Thanjavur Local Planning Area as lapsed under Section 38 of Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.T.Gopala Krishnan

For Respondents : Mr.M.Siddharthan
(in all W.Ps.) Additional Government Pleader

COMMON ORDER

Heard the learned counsel on either side.



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2.The petition mentioned land was reserved for road purposes in the detailed development plan in the year 1988. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 is 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
(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.”*

3.In this case, within three years from the date of publication of the detailed development plan, the land was not acquired. Since consequential steps were not taken, it is declared that the reservation made in respect of the petition mentioned land is deemed to have lapsed. It stands released from such reservation in view of the aforesaid statutory provision. The respondents are directed to make the necessary changes in the revenue record.



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G.R.SWAMINATHAN, J.

rmi/skm

4. These writ petitions are allowed accordingly. No costs.

20.01.2023

Index : Yes / No
Internet : Yes/ No
rmi/skm

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