



W.P(MD)No.27458 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27458 of 2023

S.Vaijeyanthi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai-9.

2.The Assistant Director,
District Town and Country Planning,
Theni District.

3.The Commissioner,
Cumbum Municipality,
Theni District.

... Respondents

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 in respect of the petitioner's land in T.S.No. 23/1 (old Survey No. 833/2, 834/2 Uthamapuram Village) Cumbum Town, Theni District to an extent of 2 acre under the Detailed Development Plan No. 1, Cumbum Local Planning Area to have lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act 1971.



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For Petitioner : Mr.V.Sasi Kumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was earmarked for the purpose of forming scheme road in the detailed development plan published in the year 1994. 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



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directed to make the necessary changes in the revenue record.

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4.The writ petition is allowed accordingly. No costs.

20.11.2023

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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