



W.P(MD)No.27529 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27529 of 2023

Shanmugam

... Petitioner

Vs.

1.The Director,
Directorate of Tamilnadu Town and Country Planning,
No.2, 3 & 4th Floor, CMDA Office Compound,
E & C Market Road, Koymbedu, Chennai – 98.

2.The Deputy Director / Member Secretary,
Local Planning Authority,
District Local Planning Office,
Vivekanada Nagar (Eshwari Stores Backside),
Dindigul.

3.The Commissioner,
Dindigul Corporation,
Dindigul, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the reservation made in respect of petitioner's house site situated at Dindigul Town, Ward No.6, in town survey No.1799/2A1 Measuring about 1279 1/2 cents of land forming part of Balakrishnapuram Race Course Detailed Development Plan Part - II have lapsed in the light of

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Section 38 of Tamilnadu Town and Country planning Act 1971
(Tamilnadu Act 35 of 1972).

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 & R2.
Mr.J.Lawrance,
Standing Counsel for R3.

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was earmarked for formation of road in the detailed development plan published in the year 1986. No consequential steps for acquisition of the property was taken within the next three years. 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



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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.Applying the aforesaid statutory mandate, it is declared that the petition mentioned land is released from the reservation which has long since lapsed. The respondents are directed to make the necessary changes in the relevant records.

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

21.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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No.2, 3 & 4th Floor, CMDA Office Compound,
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G.R.SWAMINATHAN, J.

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