



W.P(MD)No.27856 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27856 of 2023

Sudha

... Petitioner

Vs.

1.The Director,
O/o.Town and Country Planning,
Koyembedu,
Chennai.

2.The Joint Director/Member Secretary,
Town and Country Planning,
Trichy Region,
No.11, Kajamalai Main Road,
Thamarai Nagar,
Kajamalai Colony,
Trichy,
Tiruchirappalli 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 made in respect of the petitioner lands to an extent of 9660 sq.ft situated at Srirangam 3rd Ward, Block No. 14, Vellithirumutham Village, T.S.No. 883/2 and 882/1, forming part of Jambugeswaram Extension Detailed Development Plan (Map no. 5) DTCP no. 16/2013 dated 05.07.2013 had lapsed in the light of Section 38 of Tamil Nadu



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Town and Country Planning Act 1971 within a period stipulated time by this Court.

For Petitioner : Mr.K.Viralinathan

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 2013. 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.”*



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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.

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

24.11.2023

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

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