



W.P(MD)No.28308 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28308 of 2023

Raja

... Petitioner

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 – 613 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's land with an extent of 8 Acres 97.60 Cents in Vilar Village Survey Number: 39/1A, 39/1C, 39/1D, 39/2A and 39/2B situated at Vilar Village, Thanjavur Taluk,



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Thanjavur District treating the “Vilar Detailed Development Plan No.4” as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.The petition mentioned reservation was made way back in the year 2007 in the Detailed Development Plan published in the year 2003. It is beyond dispute that consequential steps for acquisition were not taken within three years thereafter. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 reads 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- (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



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(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 is deemed to have lapsed. Declaration sought for by the petitioner is granted. The respondents are directed to make necessary changes in the relevant records.

3. This writ petition is allowed accordingly. There shall be no order as to costs.

30.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The Director,
Directorate of Town and
Country Planning,
2nd, 3rd & 4th Floor,
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Chennai – 600 107.

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MGA

2.The Member Secretary,
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