



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.12.2023

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

**WP(MD) No.31195 of 2023
and
WMP(MD)No.26726 of 2023**

1.T.Elanchezhian

2.Jayanth Rhenius

... Petitioners

vs.

1.The Secretary to Government,
Government of Tamil Nadu,
Revenue and Disaster Management
Department,
Secretariat, Chennai – 600 009.

2.The Commissioner,
Directorate of Town and Country Planning,
Chepauk, Chennai – 600 006.

3.The Member Secretary / Joint Director,
Local Planning Authority,
Tirunelveli.

4.The Tirunelveli City Municipal
Corporation,
Rep.by its Commissioner,
Tirunelveli.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the High-Ground Area Detailed Development Plan (Comprehensive Variation) Map no. NIL issued by the 3rd respondent earmarking the petitioner's property in survey number 287/3B, 3D corresponding to T.S.No.3/2, 3/3, 3/5, 3/6 and 3/8 measuring 1 acre and 96.5 cents in Vijayaragava Mudaliar Chatram Village, Palayamkottai Taluk, Tirunelveli District marked as “Public Purpose” as lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971 and in the light of the letter of the Assistant Secretary, Government of Tamil Nadu in 3760/Na.Ni.Uo1(1)2018-2 dated 25.07.2018.

For Petitioner : Mr.R.J.Karthick

For Respondents: Mr.S.Ra.Ramachandran
Additional Government Pleader for R1

ORDER

Heard both sides.

2.The petition mentioned land was ear-marked for 'public purpose' in the Detailed Development Plan published in the year 1969. There was variation in the year 1996. It is not in dispute that consequential steps for acquiring the land were not taken within three years. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 reads as follows :



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“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.”

Applying the aforesaid statutory mandate, it is declared that the petition mentioned land stands released. This writ petition is allowed on these terms. Since I have declared that the reservation made in the Detailed Development Plan in respect of the petition mentioned land has already lapsed, the authorities shall carry out the corresponding changes in the relevant records. There shall be no orders as to costs. Consequently, connected miscellaneous petition is closed.

22.12.2023

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

SKM

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