



WEB COPY



W.P.Nos.31249 & 31252 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.31249 & 31252 of 2024

1. U.R.C. Kanagasabapathy
2. C.Tulsiammal
3. C.Devarajan
4. P.Devi

.... Petitioners in
W.P.No. 31249 of 2024

URC Educational and Charitable Trust,
rep. by its Secretary and Joint Managing Trustee,
U.R.C.Kanagasabapathy,
119, Power House Road,
Erode – 638 001,
Erode District.

.... Petitioner in
W.P.No.31252 of 2024

Vs

1. Government of Tamil Nadu,
Rep. by its Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai-600 015.
2. The Director of Town and Country Planning,
Office of the Directorate of Town
and Country Planning
Second, Third And Fourth Floor,
C & E Market Road,
Koyambedu, Chennai-600 107.



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3. The Deputy Director (i/c)/Member Secretary,
Erode District Town and Country

Planning Authority Office,

Ulavar Sandhai Backside,

Sampath Nagar, Erode-638 011.

.... Respondents in both W.Ps

Prayer in W.P.No.31249 of 2024:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of declaration, to declare the reservation made in respect of the properties belongs to the writ petitioners are concerned alone in Resurvey No. 297/2, Patta No. 3716, Resurvey No. 297/4, Patta No. 3716 (Old Survey No. 297/1) New Resurvey No 297/1A1C, Patta No. 4671, Resurvey No. 297/4, Patta No.3716, Resurvey No. 303/4, Patta No. 3716, (Old Survey No. 295/2) New Resurvey No. 295/2E, Patta No. 4219, (Old Survey No. 295/2) New Resurvey No 295/2D, (Patta No. 4219), (Old Survey No. 297/1) New Resurvey No. 297/1A1C, (Patta No. 4671), (Old Survey No. 297/1) New Resurvey No. 297/1A1D, Patta No. 4672, (Old Survey No.297/1) New Resurvey No. 297/1A2, Patta No.4522, (Old Survey No. 297/1) New Resurvey No. 297/1B, Patta No. 3934, (Old Survey No. 297/1) New Resurvey No 297/1A1A Patta No. 289, at Erode 'A' Village, Erode Taluk, Erode District, forming part of E1E1 Road, CC Road, and DD Road and the proposal for widening the road in respective of the above mentioned Resurvey Nos. of Veerappanchathiram Town Panchayat, (Now added in Erode City Municipal Corporation) Erode 'A' Village, Veerappanchathiram Detailed Development Plan No.22, have been lapsed, in view of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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Prayer in W.P.No.31252 of 2024:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of declaration, to declare the reservation made in respect of the properties belongs to the U.R.C.Educational Trust property is concerned alone ; situated at (old survey No.297/1) New survey No.297/1A2, Patta No.4522 at Erode 'A' Village, Erode Taluk, Erode District, forming part of DD Road and the proposal for Road widening road and street of Veerappanchathiram Town Panchayat (Now added in Erode City Municipal Corporation), Erode 'A' Village, Veerappanchathiram Detailed Development Plan No.22, have been lapsed, in view of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

(In both W.Ps)

For Petitioners : Mr.P.Ganesan

For Respondents : Mr.S.Arumugam
Government Advocate

COMMON ORDER

These Writ Petitions have been filed praying for issuance of Writ of Declaration, to declare the reservation made in respect of the petitioners land, in Resurvey No. 297/2, Patta No. 3716, Resurvey No. 297/4, Patta No. 3716 (Old Survey No. 297/1), New Resurvey No. 297/1A1C, Patta No. 4671, Resurvey No. 297/4, Patta No.3716, Resurvey No. 303/4, Patta No. 3716, (Old Survey No. 295/2) New Resurvey No. 295/2E, Patta No. 4219, (Old Survey No. 295/2) New



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Resurvey No 295/2D, (Patta No. 4219), (Old Survey No. 297/1) New
Resurvey No. 297/1A1C, (Patta No. 4671), (Old Survey No. 297/1) New
Resurvey No. 297/1A1D, Patta No. 4672, (Old Survey No.297/1) New
Resurvey No. 297/1A2, Patta No.4522, (Old Survey No. 297/1) New
Resurvey No. 297/1B, Patta No. 3934, (Old Survey No. 297/1) New
Resurvey No 297/1A1A Patta No. 289, (old survey No.297/1) and New
survey No.297/1A2, Patta No.4522 in Erode 'A' Village, Erode Taluk,
Erode District, forming part of Veerappanchathiram Detailed
Development Plan No.22, to have lapsed, in the light of Section 38 of the
Tamil Nadu Town and Country Planning Act, 1971.

2. Heard the learned counsel appearing for the petitioners
and the learned Government Advocate appearing for the respondents.

3. The case of the petitioners is that E1E1 Road, CC Road,
and DD Road 40 feet road scheme has been announced by the Tamil
Nadu Government and the proposal was approved by the third
respondent. According to the petitioner, no steps were taken to acquire
the lands and it continued to be in possession and enjoyment of the
petitioner. Hence, the petitioner has sought for a declaration to declare



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that the Detailed Development Plan No.22 has lapsed, in view of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

4. In this regard, it is useful to refer Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, which reads as follows :-

“38. Release of land : - *If within five years from the date of the publication of the Notice in the Tamil Nadu Government Gazette under Section 26 or Section 27 -*

(a) no acquisition of land as provided in sub-section (2) of Section 37 is made in respect of any land reserved, allotted or designated for any purpose specified in a Regional Plan, Master Plan, [Detailed Development Plan, New Town Development Plan or a Land Pooling Area Development Scheme] 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:

Provided that the Government may, by notification, extend the period for such time as they may think proper, but such extended period shall in no case, exceed five years.]”



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5. In these cases, no consequential steps for acquiring the petitions mentioned land, were taken within a period of three years, and therefore, the aforesaid provision will have to be given full effect. As a result, the subject properties belonging to the petitioners, stand released from the said Detailed Development Plan No.22.

6. With the above observations, these writ petitions stand disposed of. No costs.

19.10.2024
(2/2)

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
Lpp

To

1. The Secretary,
Housing and Urban Development Department,
Fort St.George, Chennai-600 015.

2. The Director of Town and Country Planning,
Office of the Directorate of Town and Country Planning
Second, Third And Fourth Floor,
C & E Market Road,
Koyambedu, Chennai-600 107.

3. The Deputy Director (i/c)/Member Secretary,
Erode District Town and Country Planning Authority Office,
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G.K.ILANTHIRAIYAN, J.

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