



Writ Petition No.36415 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.36415 of 2024

V.S.Balasubramanian

...Petitioner

Vs

- 1.The Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai – 600 005.
- 2.The Director of Town & Country Planning,
Office of the Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor,
C & E Market Road,
Koyambedu, Chennai – 600 107.
- 3.The Member Secretary,
Tiruppur Local Planning Authority,
District Town and Country Planning Authority,
1st Floor, Kumaran Commercial Complex,
Tiruppur – 641 601.
- 4.The Deputy Director,
District Town and Country Planning Authority,
1st Floor, Kumaran Commercial Complex,
Tiruppur – 641 601.
- 5.The Commissioner,
Dharapuram Municipality,
Dharapuram, Tiruppur District.

...Respondents



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Prayer :- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of declaration to declare that the reservation made in respect of formation of BB'40 Road in the lands situated in T.S.No.86/1Part, Old Survey No.384/1Part, Ward No.7, Block No.12, Dharapuram Town and Taluk, Tiruppur District and forming part of Dharapuram Local Planning Area Map No.2 Detailed Development Plan No.DDP/R(S) No.11/93, approved under Section 29 of the Tamil Nadu Town and Country Planning Act, 1971 to have lapsed in view of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner	:	Mr.P.S.Prabu
For R1 to R4	:	Mr.S.J.Mohamed Sathik, Government Advocate
For R5	:	Dr.T.Seenivasan, Special Government Pleader

ORDER

This writ petition has been filed for a direction to declare the reservation made in respect of the properties in T.S.No.86/1Part, Old Survey No.384/1Part, Ward No.7, Block No.12, Dharapuram Town and Taluk



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Tiruppur District, forming part of Dharapuram Local Planning Area Map No.2, Detailed Development Plan No.DDP/R(S) No.11/93 has lapsed by virtue of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter called as 'the Act').

2. Heard Mr.P.S.Prabu, learned counsel for the petitioner and Mr.S.J.Mohamed Sathik, learned Government Advocate for the 1st to 4th respondents and Dr.T.Seenivasan, learned Special Government Pleader for the for the 5th respondent.

3. The case of the petitioner is that Dharapuram Local Planning Area Map No.2, Detailed Development Plan No.DDP/R(S) No.11/93 was announced and it was approved by the 3rd 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, according to the petitioner, the development plan itself has lapsed in view of Section 38 of the Act. Accordingly, the petitioner has sought for a declaration to declare that the Development Plan No.DDP/R(S) No.11/93 has lapsed.



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4. The main issue that has been urged before this Court is that the detailed development plan has lapsed under Section 38 of the Act, since the land has not been acquired within a period of three years from the date of publication of the notice under the Tamil Nadu Gazette.

5. This Court has consistently held that if the land has not been acquired within a period of three years from the date of publishing the detailed development plan in the Gazette, the concerned lands shall be deemed to be released from such reservation. In the present case, the respondents had failed to take any steps to acquire the subject land therefore, by operation of Section 38 of the Act, the scheme has lapsed.

6. In view of the above discussion, the subject property belonging to the petitioner stands released from the detailed development plan.

7. This writ petition is disposed of accordingly. No costs.

13.12.2024

smv

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order



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To

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C.V.KARTHIKEYAN, J.
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