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W.P.No.35433 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.35433 of 2023

Life Insurance Corporation of India,
Represented by its Secretary (Estates),
LIC of India, Zonal Office,
153, LIC Building,
Anna Salai, Chennai - 600 002. ...

Petitioner

versus

- 1.The Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 015.
- 2.The Director of Town and Country Planning,
2, 3 & 4th Floor, B, CMDA Office Campus,
E&C, Market Road,
Koyambedu, Chennai - 600 107.
- 3.The Deputy Director,
Namakkal District Town and Country Planning,
Paramathi Road, Namakkal - 637 001.
- 4.The Member Secretary / Executive Officer,
Thiruchengode Local Planning Authority,
Thiruchengode, Namakkal District.
- 5.The Commissioner,
Thiruchengode Municipality,
No.1, Velur Road,



(Near Town Police Station),
Tiruchengode - 637 211.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the reservation made in respect of the petitioner's land comprised in S.No.75/1 & 76/1Pt, Ward E, Block 20, TSLR No.237/7 measuring an extent of 19797 Sq.ft. at Tiruchengode under Tiruchengode Detailed Development Plan is deemed to be lapsed and released from the reservation in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN Act 1974).

For Petitioner : Mr.S.Karthikei Balan

For Respondents : Mrs.C.Meera Arumugam
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of declaration, declaring the properties in S.No.75/1 & 76/1Pt, Ward E, Block 20, TSLR No.237/7 measuring an extent of 19797 Sq.ft., situated at Tiruchengode, earmarked as D3-D3 40' Feet Road for the public purpose in Tiruchengode Detailed Development Plan Nos.2 and7, in view of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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2. The case of the petitioner is that the properties in S.No.75/1 & 76/1Pt, Ward E, Block 20, TSLR No.237/7, measuring an extent of 18459 sq.ft., situated at Tiruchengode, had been purchased by the petitioner in the year 1996 from various persons *vide* registered Document Nos.2999 to 3012 of 1996 and another portion of land around 1338 sq.ft. was purchased by the petitioner on 26.02.2007 *vide* Document No.1403/2007. While so, a proposal was established in the name of 'Detailed Development Plan' for Tiruchengode Municipality. The Government has notified the same through notification as Tiruchengode Detailed Development Plan Nos.2 and 7. On such notification, the Government had notified/reserved the lands in S.No.75/1 & 76/1Pt, Ward E, Block 20, TSLR No.237/7 measuring an extent of 19797 sq.ft., situated at Tiruchengode. Once the Detailed Government Plan comes into operation, the Government has to acquire the land under Section 36 of the Tamil Nadu Town and Country Planning Act and appropriate compensation has to be provided under Section 39 of the Tamil Nadu Town and Country Planning Act, within the period of three years. Even after lapse of ten years, till today no acquisition has been made. Therefore, the present case falls under Section 38 of the Tamil Nadu Town and Country Planning Act. Hence, the lands in S.No.75/1 & 76/1Pt, Ward E,



Block 20, TSLR No.237/7 measuring an extent of 19797 sq.ft., situated at Tiruchengode, are deemed to be released.

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

“Section 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.”

4. In this case, no consequential steps for acquiring the petition-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 property belonging to the petitioners, stands released from the said Detailed Development Plan Nos.2 and 7.



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5. Accordingly, this Writ Petition is allowed and the respondents are directed to release the land in S.No.75/1 & 76/1Pt, Ward E, Block 20, TSLR No.237/7 measuring an extent of 19797 Sq.ft., situated at Tiruchengode, forming part of Tiruchengode Detailed Development Plan Nos.2 and 7, by virtue of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. No costs.

08.04.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

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V.BHAVANI SUBBAROYAN, J.

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