



W.P(MD)No.1409 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1409 of 2024

N.Ramkumar

... Petitioner

Vs.

1.The Director,
O/o.Town and Country Planning,
Koyembedu,
Chennai.

2.The Joint Director /
Member Secretary,
Town and Country Planning,
Trichy Region,
No.11, Kajamalai Main Road,
Thamarai Nagar,
Kajamalai Colony,
Trichy, Thiruchirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation made in respect of the Petitioner Lands to an extent of 1750 sq.fts situated at Srirangam Ward B, Block No. 57, T.S.No.2620, forming part of Railway Affected Area Detail Development Plan Part-II (Map No.



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5) DTCP No.25/2005 dated 19.07.2005 had lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971 within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Viralinathan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

Heard both sides.

2.The petition mentioned land was earmarked for railway purpose in the Detailed Development Plan published in the year 2005. 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



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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 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.

28.02.2024

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

To

1.The Director,
O/o.Town and Country Planning,
Koyembedu,
Chennai.

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G.R.SWAMINATHAN, J.

MGA

2.The Joint Director /
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