



W.P.(MD)No.2804 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 09.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2804 of 2024

1.D.Gopalakrishnan

2.P.Velusamy

3.C.Periyasamy

4.V.Ayyalsamy

... Petitioners

Vs

1.The Director of Town and Country Planning,
No.807, Anna Salai, Chennai,
Chennai District.

2.The Deputy Director / Member Secretary,
Local Planning Authority,
District Local Planning Office,
Kajamalai Main Road,
Kajamalai, Trichy.

3.The Commissioner,
Trichy Corporation,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the reservation made in respect of the petitioners' land in S.No.143/2B (New TS No.83 Ward - AV, Block No.1) admeasuring an extent of 11,372 Sq.Ft., situated in



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Kottapattu Village, K.Sathanur, Trichy District forming part of Trichy Golden Rock Development Plan No.2 to have lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioners : Mr.S.I.Muthiah

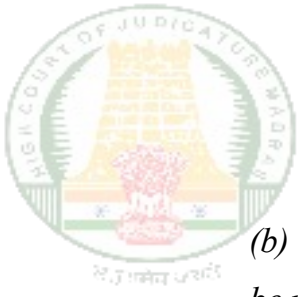
For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader for R1 & R2.
Mr.Sri Prasad,
Standing Counsel for R3.

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was reserved for residential purposes in the detailed development plan in the year 2002. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 is 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 plan, master plan, detailed development plan or new town development plan covered by such notice; or



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(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.”

3.Applying the aforesaid statutory mandate, it is declared that the petition mentioned land is released from the reservation which has long since lapsed. The respondents are directed to make the necessary changes in the relevant records. This shall be done within a period of twelve weeks from the date of receipt of a copy of this order.

4.The writ petition is allowed accordingly. No costs.

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NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

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Kajamalai, Trichy.



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V.BHAVANI SUBBAROYAN, J.

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