



W.P(MD)No.3831 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3831 of 2024

Meenakshi Subramanian

... 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 to issue a Writ of Declaration to declare the reservation made in respect of the petitioner lands to an extent of 911.5 sq.mts equivalent to 9811/36 sq.fts situated at Old Ward No.2, Block 32 Old Survey No.1774/2, New Ward “B” Block 32, T.S.No.1774/4, forming part of Railway Affected Area Detail Development Plan Part-I (Map No.5) DTCP No.24/2000 dated 19.10.2000 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



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ORDER

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The petition mentioned land was earmarked as scheme road of the detailed development plan published in 2000. 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 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”

2. The land was not acquired within 3 years from the date of publication.

Applying the statutory mandate, since acquisition steps are not taken during the relevant time, it is declared that the reservation made in respect of the petition mentioned land is deemed to have lapsed. It stands released from such reservation in view of the aforesaid statutory provision. In view of the aforesaid rule, the respondents are directed to make necessary changes in the statutory revenue records.



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3. In fine, this Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
CM

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

2.The Joint Director/Member Secretary,
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G.R.SWAMINATHAN, J.

CM

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