

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 21.02.2024**CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.3937 of 2024**

B.Manikandan

... Petitioner

Vs.

1. The Director,
Town and Country Planning,
Anna Salai, Chennai.

2. The Deputy Director /
Member Secretary, Town and Country Planning,
Tiruchirappalli Local Planning Authority,
Tiruchirappalli.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the reservation made in respect of the petitioner's land to an extent of 1110 sq. feet., out of 2710 sq. feet., in Old T.S.No.2597, new Sub Division T.S.No.2597/2, and an extent of 2437 sq.feet., out of 23390 sq.feet., in Old T.S.No.2600, New Sub Division T.S.No.2600/2, situated in New Ward C, new Block No.52, in Thimmarayasamuthiram Village, Srirengam Municipal 3rd Ward, Srirengam Taluk, Trichirappalli District had lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, and consequently direct the respondents to issue appropriate order releasing the petitioner's land to an extent of 1110 sq. feet., out of 2710 sq. feet., in Old T.S.No.2597, new Sub Division T.S.No.2597/2, and an extent of 2437 sq.feet., out of 23390 sq.feet., in Old T.S.No.2600, New Sub



Division T.S.No.2600/2, situated in New Ward C, new Block No.52, in Thimmarayasamuthiram village, Srengam Municipal 3rd Ward, Srengam Taluk, Tiruchirappalli District from the Tiruchirappalli Corporation, Bypass Road Detailed Development Plan and comprehensive variation map No.5 within the period that may be stipulated by this Court.

For Petitioner : Mr.G.Sridharan
For Respondents : Mr.D.Gandhiraj,
Special Government Pleader.
* * *

ORDER

Heard both sides.

2. The petition mentioned land was earmarked for the purpose of scheme road in the detailed development plan published in the year 2001. During the relevant time, Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 reads as follows:-

“38. Release of land.- If within five years from the date of the publication of the notice in the Tamil Nadu Government Gazette under section 26 or section 27-

(a) no acquisition of land as provided in sub-section (2) of section 37 is made in respect of any land reserved, allotted or designated for any purpose specified in a Regional Plan, Master Plan, Detailed Development Plan,



New Town Development Plan or a Land Pooling Area

Development Scheme 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.

Provided that the Government may, by notification, extend the period for such time as they may think proper, but such extended period shall, in no case, exceed five years.”

3. It is seen that no consequential acquisition proceedings have been taken within the aforesaid time limit. Applying the statutory mandate, it is declared that the reservation made in respect of the petition mentioned land is deemed to have been released. The respondents are directed to make consequential changes in the relevant records. This writ petition stands allowed. No costs.

21.02.2024

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

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4

W.P.(MD)NO.3937 OF 2024

G.R.SWAMINATHAN,J.

PMU

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W.P.(MD)No.3937 of 2024

21.02.2024



WEB COPY



5

W.P.(MD)NO.3937 OF 2024