



W.P(MD)No.4106 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4106 of 2024

S.Srinivasagan

... Petitioner

Vs.

- 1.The Director,
Town and Country Planning,
No.807, Annasalai,
Chennai – 600 002.
- 2.The Deputy Director of Town & Country Planning,
Theni.
- 3.The Member Secretary,
Local Planning Authority,
Cumbum Municipality,
Cumbam.
- 4.The Commissioner,
Cumbum Municipality,
Cumbam,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents herein to release the petitioner's land with an extent of 4500 square feet in S.No.867/B in Uthamapuram Village, Cumbum Town, Theni District earmarked



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for the “The Detailed Development Plan No.2 of Cumbum Local Planning Authority” by treating “The Detailed Development Plan No.2 of Cumbum Local Planning Authority” as lapsed as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.P.Santhosh Kumar

For Respondents : Mr.A.Kannan,
Addl. Government Pleader for R1 to R3.
Mr.K.Hema Karthikeyan,
Standing Counsel for R4.

ORDER

Heard the learned Counsel on either side.

2.The petition mentioned land was reserved for road purposes in the Detailed Development Plan No.2 of Cumbum Local Planning Authority published in the year 2000. No consequential steps for acquisition of the property was taken within the next three years. 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,



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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.”

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.

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

12.03.2024

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

1.The Director,
Town and Country Planning,
No.807, Annasalai,
Chennai – 600 002.

2.The Deputy Director of Town & Country Planning,
Theni.

3.The Member Secretary,
Local Planning Authority,
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G.R.SWAMINATHAN, J.

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