



W.P(MD)No.4944 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4944 of 2024

Britto Aruldoss Micheal

... Petitioner

Vs.

**1.The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor, C & E Market Road,
Koyebedu, Chennai-600 107.**

**2.The Member Secretary,
Madurai Local Planning Authority,
Sector-6, Aanaiyur-Mudakkathan Main Road,
Koodalputhur,
Madurai-625 017.**

... 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 comprised in Old Survey No. 111/1,2,3 and 6 (New Town Survey No. 2/11 and 2/18 admeasures to an extent of 110 square meter in Ward No. 25, Kochadai Village, Madurai West Taluk, Madurai District from the Kochadai Detailed Development Plan No.3 of Madurai Local Planning area as lapsed under Section 38 of Tamilnadu Town and Country Planning Act, 1971 within a stipulated time period in accordance with law by considering the representation dated 27.01.2024.



W.P(MD)No.4944 of 2024

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was earmarked for scheme road in the detailed development plan published 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

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

3.In this case, within three years from the date of publication of the detailed development plan, the land was not acquired. Since consequential



W.P(MD)No.4944 of 2024

steps were not taken, 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. The respondents are directed to make the necessary changes in the revenue record.

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

06.03.2024

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.



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W.P(MD)No.4944 of 2024

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W.P(MD)No.4944 of 2024

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