



W.P(MD)No.4915 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.4915 of 2024

K.G.Illankumaran

... Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
St.George Fort,
Chennai-600 009.

2.The Director of Town and Country Planning,
C&E Market Road,
Koyambedu,
Chennai-600 107.

3.The Tahsildar,
Taluk Office,
Thoothukudi.

... 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 Director of Town and Country Planning Authority, the 1st respondent and other respondents to declare that the petitioners land of an extent of 1784 sq.meter (19200 sq.ft) situated in Town Survey no. 5, Ward B, Block 9, situate at Thoothukudi Corporation Limit, Thoothukudi Taluk and District is deemed to be released from the reservation of Section 38 of Town and Country Planning Act and consequently direct the respondents to pass appropriate orders for release of



W.P(MD)No.4915 of 2024

petitioners land comprised in Town Survey no. 5, Ward B, Block 9, situate at Thoothukudi Corporation Limit, Thoothukudi Taluk & District by considering the representation dated 19.01.2024 of the petitioner.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.K.S.Selvaganesan
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 2001. 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.”*



W.P(MD)No.4915 of 2024

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3. In this case, within three years from the date of publication of the detailed development plan, the land was not acquired. Since consequential 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. Consequently, connected miscellaneous petition is closed.

06.03.2024

Index : Yes / No
Internet : Yes/ No
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To

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W.P(MD)No.4915 of 2024

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W.P(MD)No.4915 of 2024

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