



W.P(MD)No.6741 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6741 of 2024

1.P.S.Yokalakshmi

2.P.S.Nagamani (Minor)

Rep. by Father / Natural Guardian,
Solaimalai Raja.

... Petitioners

Vs.

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai, Chennai.

2.The Member Secretary,
Madurai Town and Country Planning Authority,
Corporation Building Complex,
3rd Floor, Anna Maligai, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration to declare the reservation in respect of the lands of the petitioners 1 and 2 situate in S.No.13/1 and 2 (Old S.No.255/1 and 2 Part), Ward No.22, Block No. 28, Madakulam Village, Thiruparankundram Taluk, Madurai under the Madakulam Detailed Development Plan No.3 to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act 1971.



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For Petitioners : Mr.P.Mohammed Suhail,
For M/s.Ajmal Associates.

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader.

ORDER

Heard the learned Counsel on either side.

2.The petition mentioned land was reserved in the Madakulam Detailed Development Plan No.3 published in the year 2008. 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, 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.”*



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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.

20.03.2024

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

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G.R.SWAMINATHAN, J.

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