



W.P(MD)No.6755 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6755 of 2024

1.Rengasamy

2.Pandurengam

3.Ashokan

... Petitioners

Vs.

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

2.The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd Street,
medical College Road,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents no.1 and 2 to release the petitioners land with an extent of 22000 sq.feet in Town Survey Number. 2258 Part situated in Ward 6, Block 46, Kumbakonam Town, Thanjavur District treating the Kumbakonam Detailed Development Plan Part-4



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of Thanjavur Local Planning Area as lapsed under Section 38 of Tamil Nadu Town Country Planning Act 1971 within a stipulated time that may be fixed by this Court.

For Petitioners : Mr.R.Karunanidhi

For Respondents : Mr.T.Villavankotai,
Addl. Government Pleader.

ORDER

Heard the learned Counsel on either side.

2.The petition mentioned land was reserved in the Kumbakonam Detailed Development Plan Part-4 published in the year 2009. 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



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(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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Directorate of Town and Country Planning,
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Koyembedu, Chennai – 600 107.

2.The Member Secretary,
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G.R.SWAMINATHAN, J.

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