



W.P(MD)No.6758 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.6758 of 2024

M.Umar Faruk Ali

... Petitioner

Vs.

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

**2.The Member Secretary / Assistant Director,
Local Planning Authority,
Kajamalai, Tiruchirappalli.**

**3.The Commissioner,
Thuraiyur Municipality,
Tiruchirappalli.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring that the reservation of area shown as North-South Street situated in S.No.461/1, at Thuraiyur Village and Taluk, Tiruchirappalli District in the Thuraiyur Detailed Development Plan numbered as Map. No.DDP(V)DTCP No.28/2012 vide



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proceedings in ROC.No.22604/2008 DP3 dated 10.12.2012 as lapsed and deemed to be released as per Section 38 of the Act, 1971.

For Petitioner : Mr.K.K.Udayakumar

For Respondents : Mr.T.Villavankotahi,
Addl. Government Pleader for R1 & R2.
Mr.K.R.Kishor Ram for R3.

ORDER

Heard the learned Counsel on either side.

2.The petition mentioned land was reserved in the Thuraiyur Detailed Development Plan published in the year 2012. 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:-

1.The Director,
Directorate of Town and Country Planning,
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Koyembedu, Chennai – 107.

2.The Member Secretary / Assistant Director,
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G.R.SWAMINATHAN, J.

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