



W.P(MD)No.7489 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7489 of 2024

1.V.Srinivasan

2.K.Sivasankar

... Petitioners

Vs.

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

2.The Joint Director,
Town and Country Planning,
Madurai City Municipal Corporation,
Madurai.

3.The Commissioner,
Madurai City Municipal Corporation,
Madurai.

... 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



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reservation of area shown for Market and North - South Scheme Road situate in Old S.No. 203/1 and New UDR S.No. 62/1 at Siruthur Village, Madurai North Taluk, Madurai District in the “Siruthur Detailed Development Plan” published in the year 1999 as lapsed and deemed to be released as per “Section 38” of the Town and Country Planning Act, 1971 and consequently direct the respondents to make necessary classifications and not to reject or return the building plan approval or layout on the ground of reservation of land as per the Development Scheme.

For Petitioners : Mr.H.Arumugam

For Respondents : Mr.M.Lingadurai
Additional Government Pleader
for R.1 & R.2

Mr.K.K.Kannan for R.3

ORDER

Heard both sides.

2.The petition mentioned land earmarked as market in the Detailed Development Plan published in the year 1999. It is beyond dispute that consequential steps for acquisition were not taken within three years thereafter. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 reads as follows:



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“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.”

Applying the statutory mandate, it is declared that the petition mentioned reservation is deemed to have lapsed. Declaration sought for by the petitioners is granted. The respondents are directed to make necessary changes in the relevant records.

3. This writ petition is allowed accordingly. There shall be no order as to costs.

26.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

MGA

To

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