



W.P(MD)No.7654 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7654 of 2024

1.S.Sivaguru

2.M.Baskar

3.K.Ganesan

4.C.Ravichandran

5.K.Subramaniam

6.S.Paramasivam

7.K.Bangaru

8.C.Chitra

9.V.Raja

10.C.Kanthasamy

11.V.Senthil Raja

12.S.Adilakshmi

13.C.Kumar

... Petitioners

Vs.



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- 1.The Director,
O/o.Town and Country Planning,
Koyembedu,
Chennai.
- 2.The Joint Director / Member Secretary,
Town and Country Planning Trichy Region,
No.11, Kajamalai Main Road,
Thamarai Nagar,
Kajamalai Colony,
Trichy,
Triruchirapalli District.

... 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 made in respect of the petitioners' lands to Extent of 1 Acre and 56 cents situated at Srirangam Taluk, 3rd Ward, Kondaiyam Pettai, Block No.56, T.S.No.3000/1, 3002, 3003, 3012/2 and 3012/3 forming part of Tiruchirapalli Bye-pass Road Detailed Development Plan -IV (Map No.5) DTCP No.14/2002 dated 04.09.2002 had lapsed in the light of section 38 of Tamilnadu Town and Country Planning Act, 1971 within the period that may be stipulated by this Court.

For Petitioners : Mr.K.Viralinathan

For Respondents : Mr.M.Lingadurai
Special Government Pleader



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ORDER

Heard both sides.

2.The petition mentioned lands were earmarked as Scheme Road in the Detailed Development Plan published in the year 2002. 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:

“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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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 is directed to make necessary changes in the relevant records.

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

28.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

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G.R.SWAMINATHAN, J.

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