



W.P(MD)No.8728 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8728 of 2024

M.Cruz Antony Martin

... Petitioner

Vs.

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

2.The Commissioner,
Ambasamudram Municipal Corporation,
149, Pudugramam Street,
Ambasamudram-627 401,
Tirunelveli District.

3.The Deputy Director of Town and Country Planning,
Tirunelveli District Town and
Country Planning Office,
Xavier Colony,
South Bypass Road,
Tirunelveli-627 005.

4.The Member Secretary,
Ambasamudram Local Planning Authority,
Ambasamudram,
Tirunelveli 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 in



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respect of the petitioners land situate in Survey Nos.251/4A and 251/5, Mela Ambasamudram Village, Ambasamudram Taluka, Tirunelveli District under the Ambasamudram Master Plan as having lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.Prem Ayyathurai
for M/s.Ajmal Associates

For Respondents : Mr.D.Sasikumar
Additional Government Pleader for R1, R3 & R4
: Mr.S.Packiyamuthu for R2

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was reserved for road purposes in the detailed development plan. 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



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be released from such reservation, allotment or designation.”

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3.In this case, within three years from the date of publication of the detailed development plan, the land was not acquired. Since consequential steps were not taken, it is declared that the reservation made in respect of the petition mentioned land is deemed to have lapsed. It stands released from such reservation in view of the aforesaid statutory provision. The respondents are directed to make the necessary changes in the revenue record.

4.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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To

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2nd, 3rd & 4th Floor,
E & C Market Road, Koyambedu,
Chennai- 600 107.
- 2.The Deputy Director of Town and Country Planning,
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3.The Member Secretary,
Ambasamudram Local Planning Authority,
Ambasamudram,
Tirunelveli District.

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