



W.P(MD)No.9692 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9692 of 2024
and
W.M.P(MD)No.8767 of 2024

R.Seetha

... Petitioner

Vs.

- 1.The Director / Commissioner,
Directorate of Town and
Country Planning,
Chepauk,
Chennai – 600 006.
- 2.The Member Secretary /
Joint Director,
Tirunelveli Local Planning Authority,
Tirunelveli – 05.
- 3.The Tirunelveli City Municipal
Corporation,
Represented by its Commissioner,
Tirunelveli City.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the detailed development



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plan map number 5 issued by the first respondent in TVLR DTCP No. 13/2012 vide PRO ROC No. 12523/2009 DP2 dated /07/2012 earmarking the petitioner's property in Survey No. 512/2B situated in Kulavanigarpuram village, Palayamkottai Taluk, Tirunelveli District, Now Town Survey No. 18/2B, Block 7, Ward BM, Melapalayam zone, Tirunelveli city, total measuring 70 cents as scheme road and park, as lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.D.Sasikumar
Additional Government Pleader
for R.1 & R.2

Mr.S.P.Maharajan
Standing Counsel for R.3

ORDER

Heard both sides.

2. The petition mentioned land was originally covered by the Detailed Development Plan published in the year 2003. There was variation in the year 2004, final Detailed Development Plan was published in the year 2012 and Map No.5 was published in the year 2012. It is not in dispute that consequential steps for acquiring the land



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were not taken within three years. 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.”

Applying the aforesaid statutory mandate, it is declared that the petition mentioned land stands released.

3. It is seen that the petitioner is submitted an application for developing the property. The third respondent shall consider the petitioner's application in accordance with law.

4. This writ petition is allowed on these terms. Since I have declared that the petitioner's Detailed Development Plan in respect of the



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petition mentioned land has already lapsed, the authorities shall carry out the corresponding changes in the relevant records. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

24.04.2024

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

To

- 1.The Director / Commissioner,
Directorate of Town and
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Chepauk,
Chennai – 600 006.
- 2.The Member Secretary /
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- 3.The Tirunelveli City Municipal
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G.R.SWAMINATHAN,J.

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