



W.P(MD)No.9863 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9863 of 2024

N.Kumar

... Petitioner

Vs.

1.The Member Secretary / Assistant Director,
Town and Country Planning, Trichy.

2.The Commissioner,
Trichy City Corporation,
Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, declaring that the classification of property situated in T.S.No.299 and T.S.No.300/1 situate at Vellithirumutham Village, Srirangam Taluk, Trichy as Proposed Road, in Trichy Bye Pass Road detailed Development Plan No. III comprehensive Map No.5 as lapsed and direct the 1st respondent to release the land from the aforementioned detailed development plan.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.D.Sasikumar,
Addl. Government Pleader for R1.
Mr.R.Baskaran,
For M/s.R.B.Associates for R2.



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ORDER

Heard the learned Counsel on either side.

2.The petition mentioned land was reserved for road purposes in the Trichy Bye Pass Road Detailed Development Plan No. III published in the year 2002. 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
(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.”*

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.



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4. The writ petition is allowed accordingly. No costs.

03.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Member Secretary / Assistant Director,
Town and Country Planning,
Trichy.



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G.R.SWAMINATHAN, J.

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