

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.04.2024****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.10239 of 2024**

D.Ramesh

... Petitioner

Vs.

1. The Principal Secretary,
Housing and Urban Development (UD4(2) Department,
Fort St. George, Chennai.

2. The Director,
Town and Country Planning Scheme,
2, 3/ & 4 Second Floor, C& P Road,
Koyambedu, Chennai – 600 107.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the lands comprised an extent of 54 cents belonging to the petitioner, comprised in Old Town S.No. 47/14, New Town S.No. 62, included in Aruppukkottai North West Extension Scheme (Part I), Chinna Puliampatti Village, Aruppukkottai Town, bearing Ward G.28(Part), G30 (Part) and G33 (Part) which was reserved for proposal of laying of Road and Market, notified in G.O.Ms.No. 232, Housing and Urban Development, dated 25.07.2007, by the 1st respondent herein, under Section 28 of Tamil Nadu Town and Country Planning Act, 1971, have lapsed and released from the reservation / designation / allotment under section 37 and 38 of Tamil Nadu Town and Country Planning Act, 1971, and considering the petitioner's various representations, including the latest one dated 06.03.2024.



For Petitioner : Mr.S.Kadarkarai
For R-1 & R-2 : Mr.N.G.A.Natraj,
Government Advocate.
* * *

ORDER

Heard the learned Counsel on either side.

2.The petition mentioned land was earmarked as scheme road marked in the Detailed Development Plan of Aruppukottai Local Planning Authority published in the year 2007. 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.”*



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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.

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

26.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Principal Secretary,
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