



W.P(MD)No.10499 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10499 of 2024

G.Rajarithnam

... Petitioner

Vs.

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,
Trichy 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 petitioner's lands to an Extent of 92.37 cents situated at Srirangam Taluk, 1st Block, 3rd Ward (New Ward C) Vellithirumutham Village, T.S.No. 5/2, 5/57 forming part of Tiruchirapalli Bye-Pass Road Detailed Development Plan No. I, (Map No. 5) DTCP/Spl.CTCP No. 25/2001 dated 16.05.2001 had lapsed in the light of section 38 of Tamil Nadu Town and Country Planning Act, 1971.



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W.P(MD)No.10499 of 2024

For Petitioner : Mr.K.Viralinathan

For Respondents : Mr.N.GA.Nataraj
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was earmarked as scheme road in the detailed development plan published in the year 2001. 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.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.



W.P(MD)No.10499 of 2024

WEB COPY

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

29.04.2024

Index : Yes / No
Internet : Yes/ No
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To

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W.P(MD)No.10499 of 2024

G.R.SWAMINATHAN, J.

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