



W.P(MD)No.10973 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10973 of 2024

David Anand Raja

... Petitioner

Vs.

1.The Director,
Town and Country Planning,
2nd, 3rd and 4th Floor,
C & E Market Road,
Koyembedu,
Chennai – 600 107.

2.The Assistant Director,
District Town and Country Planning,
Theni,
Theni District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's land with an extent of 4050 Sq. Meter in T.S. No. 6/5, 6/13, 6/21, 6/22, 6/23, 6/24, situated at Ward No. D, Block No. 25, Cumbum Municipality, Uthamapalayam Taluk, Theni District earmarked for the “Cumbum Detailed Development Plan No. 5” by treating the plan as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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For Petitioner : Mr.R.Karunanidhi
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.The petition mentioned land was notified for institutional purposes in the Detailed Development Plan published in the year 2008. Earlier in the master plan also it was notified in the very same purpose. Admittedly, the land was not acquired within three years thereafter. 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.”



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Applying the statutory mandate, it is declared that the petition mentioned reservation is deemed to have lapsed. Declaration sought for by the petitioner is granted. The respondents are directed to make necessary changes in the relevant records.

3.This writ petition is allowed accordingly. There shall be no order as to costs.

05.06.2024

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

To

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G.R.SWAMINATHAN,J.

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