



W.P(MD)No.11910 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11910 of 2024

WEB COPY

1.S.Sundari

2.S. (*) **Masana** Moorthy

3.S.Murugan

... Petitioners

Vs.

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

2.The Joint Director,
Town and Country Planning,
Tirunelveli City Municipal Corporation,
Tirunelveli.

3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the reservation of area shown for 50 feet Scheme Road situate in S.No. 521/1AB at Keela Veeraragapuram Village, Palayamkottai Taluk, Tirunelveli District in the "Melapalayam Detailed Development Plan No. 2" published in the year 1996 as lapsed and deemed to be released as per "Section 38" of the Town and Country Planning Act, 1971 and consequently direct the respondents to make necessary classifications and not to reject or return the building plan approval or layout on the ground of reservation of land as per the Development Scheme.



W.P(MD)No.11910 of 2024

WEB COPY

For Petitioners : Mr.H.Arumugam
For Respondents : Mr.P.Thambi Durai
Government Advocate for R.1 & R.2
Mr.A.Sivanu Pandian for R.3

ORDER

Heard both sides.

2.The petition mentioned land was earmarked for scheme road in the Detailed Development Plan published in the year 1996. It is beyond dispute that consequential steps for acquisition were not taken 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.*”

Applying the statutory mandate, it is declared that the petition mentioned reservation is deemed to have lapsed. Declaration sought for by the petitioner is



WP(MD)No.11910 of 2024

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.

Sd/-

Assistant Registrar()

**(*)Corrected as per the order of this Hon'ble Court dated.14.08.2024
in WP(MD)No.11910 of 2024.**

Sd/-

Assistant Registrar()

// True Copy //

/09/2024

Sub Assistant Registrar
(CS-I / II / III / IV)

MGA

(*)To be substituted to the order already despatched on 08/07/2024.

To

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

2.The Joint Director,
Town and Country Planning,
Tirunelveli City Municipal Corporation,
Tirunelveli.

3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.



W.P(MD)No.11910 of 2024

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-26293[F] dated 10/06/2024)

+1 CC to M/s.SPL.GP (SR-26376[F] dated 10/06/2024)

WEB COPY

W.P(MD)No.11910 of 2024

07.06.2024

RS//SAR-(24.06.2024) 4P 6C

SI -(19.09.2024) 4P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.