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W.P.(MD)NO.12265 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12265 of 2024

Ramarajan

... Petitioner

Vs.

1. The Director of Town and Country Planning,
807, Anna Salai, Chennai,
Chennai District.

2. The Member Secretary,
Madurai Town and Country Planning Authority,
Madurai,
Madurai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the reservation made in respect of the petitioner's land in Survey No.9/3, Madurai North Taluk, Thirupallai Group, Sindhur village, Menethal Village, Madurai District forming part of the Madurai local planning area Sirudhur Detailed Development Plan Part I to have lapsed in light of Sec.38 of the Tamil Nadu Town and Country Planning Act 1971 (TN ACT 35 of 1974).

For Petitioner : Mr.M.Mahaboob Athiff

For R-1 & R-2 : Mr.K.Balasubramanian,
Special Government Pleader.

* * *

**ORDER**

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Heard the learned Counsel on either side.

2.The petition mentioned land was reserved for forming scheme road in the Detailed Development Plan Part I of Madurai Local Planning Authority published in the year 1999. 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.

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

12.06.2024

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

To:

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807, Anna Salai, Chennai,
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G.R.SWAMINATHAN,J.

PMU

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