



W.P(MD)No.12310 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12310 of 2024

Subarthana Selvam

... Petitioner

Vs.

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
No.807, Anna Salai,
Chennai.

2.The Assistant Director /
Member Secretary,
District Town and Country
Planning Office,
Tirunelveli District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the reservation in respect of the land to the petitioner situated in T.S.No.15/3 (R.S.No.1086) at Block 39, Ward BP, Kulavanigarpuram Village, Melapalayam Town, Palayamkottai Taluk, Tirunelveli District under Perumalpuram Extension Detailed Development Plan No.11 to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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For Petitioner : Mr.M.Mohamed Nihal
for M/s.Ajmal Associates

For Respondents : Mr.P.Thambi Durai
Government Advocate

ORDER

Heard both sides.

2. The petition mentioned land was earmarked for scheme road in the Detailed Development Plan published in the year 2005. 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.”



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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.

13.06.2024

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

To

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G.R.SWAMINATHAN,J.

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