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W.P.(MD)NO.12303 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.12303 of 2024

Rajasekaran

... Petitioner

Vs.

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

2. The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur – 613 007.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents No.1 and 2 to release the petitioner's land with an extent of 17153 Square Feet in town Survey Numbers 204/1C and 204/1D situated in Ward No.7, Block No.7 Thanjavur Town, Thanjavur District treating the Thanjavur Detailed Development Plan No.1 (Map-5) as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.R.Karunanithi
For R-1 & R-2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

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ORDER

Heard the learned Counsel on either side.

2.The petition mentioned land was reserved for public purpose in the Detailed Development Plan No.1(Map-5) of Thanjavur Local Planning Authority published in the year 2008. 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:

1. The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor, C& E Market Road,
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No.5, Ganapathi Nagar 2nd Street,
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