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W.P.(MD)NO.12320 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.12320 of 2024

J.Thavamani

... Petitioner

Vs.

1. The Director,
Town and Country Planning Department,
CMDA Building, Koyambedu,
Chennai – 600 017.

2. The Joint Director,
Town and Country Planning Department,
Kajamalai Main Road,
Tiruchirappalli – 23,
Tiruchirappalli District.

3. The Member Secretary,
Thuraiyur LPA/
Commissioner of Municipality,
Thuraiyur,
Tiruchirappalli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the reservation in respect of plot of the petitioner comprised in Survey No.461/2 to an extent of 4000 Sq.ft (371.60 Sq.Mt), situated at Thuraiyur Village, Thuraiyur Taluk, Tiruchirappalli with four boundaries on the west of common path, on the east of Natarajan family land and road, on the north of a part of Plot No.4, on the south of Plot No.6 falling under the



Thuraiyur Detailed Development Plan No.3 in pursuant to the proceedings of the 1st respondent in Roc.No.22604/2006/DP3 dated 10.12.2012 published in Tamil Nadu Government Gazette No.10 Part-VI Section I Page No.274 dated 11.03.1992 to have lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.K.Ponnaiah

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

* * *

ORDER

Heard the learned Counsel on either side.

2.The petition mentioned land was reserved for forming scheme road in the Detailed Development Plan No.3 of Thuraiyur Local Planning Authority published in the year 1992. 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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