



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12826 of 2024

Malliga Devi

... Petitioner

Vs.

1. The Director,
Town and Country Planning, CMDA Building,
E and C Market Road,
Koyambedu, Chennai – 92.

2. The Assistant Director cum Member Secretary,
Theni Zone,
Local Planning Authority,
Town and Country Planning,
D.No.446/A, 17 Ward, Nehruji Street,
Allinagaram, Theni.

3. The Commissioner,
Bodinayakanur Municipality,
Theni.

... 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 the petitioner's land in plot Nos.43, 44, 44A and 16, survey No.220/1 situation in Detailed Development Plan No.4, Ward 4, Block -05 comes within the Local Planning Area as per DDP(MR) No. 59/94 dated 13.07.1994 of respondents 2 and 3 in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



For Petitioner : Mr.A.V.Arun

For Respondents : Mr.K.Balasubramanian,
Special 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.4, Ward-4, Block-05 of Local Planning Area published in the year 1994. 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.

18.06.2024

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

To:

1. The Director, Town and Country Planning, CMDA Building,
E and C Market Road, Koyambedu, Chennai – 92.
2. The Assistant Director cum Member Secretary,
Theni Zone, Local Planning Authority,
Town and Country Planning, D.No.446/A, 17 Ward, Nehruji Street,
Allinagaram,Theni.
3. The Commissioner,
Bodinayakanur Municipality, Theni.



WEB COPY



4

W.P.(MD)NO.12826 OF 2024

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.12826 of 2024

18.06.2024