



W.P(MD)No.12499 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.12499 of 2024

P.Natarajan

... Petitioner

Vs.

1.The State represented by
The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai – 600 009.

2.Tirunelveli Local Planning Authority,
Represented by its Member Secretary,
Tirunelveli.

3.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the lands bearing (1) S.No.127/1 admeasuring 42 Cents (0.17.0 Hectares), (2) S.No.129/1A1 admeasuring 0.07.0 Hectares, and (3) S.No. 129/1A2 admeasuring 0.09.5 Hectares located in Chathiram Pudukulam Village, Tirunelveli Taluk, within Tirunelveli Corporation, which were part of the land proposed for



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Chathiram Pudukulam Detailed Development Plan No.1, as notified on 18.05.2005 by the Respondent No.2 under the Tamil Nadu Town and Country Planning Act, 1971, stand released from the reservation / designation / allotment under Section 37 and 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.Y.Prakash
For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 & R.2

ORDER

Heard both sides.

2. The petition mentioned land was earmarked for Park 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



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*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.”*

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

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai – 600 009.



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2.The Member Secretary,
Tirunelveli Local Planning Authority,
Tirunelveli.

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