



W.P(MD)No.13600 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13600 of 2024

1.Chittu Achi

2.L.Nagarajan

3.R.Malligadevi

... Petitioners

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 District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation in respect of the petitioners' land in to an extend of 57 cents situated in Survey No.225/1, in Railway Station Detailed Development Plan No.3 (Map No.2), Ward 5, Block - 04 comes within the Local Planning Area Railway Station



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Detailed Development Plan as per DDP (MR) No.2/2001 , in the year of 2001 of 2nd and 3rd respondents in light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971, as lapsed.

For Petitioners : Mr.A.V.Arun

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 and 2.

2.The petition mentioned land was reserved for road purposes in the Railway Station Detailed Development Plan No.3 (Map No.2) published in the year 2001. 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



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(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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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.

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