



W.P(MD)No.13682 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED: 26.06.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.13682 of 2024**

N.Sumathi

... Petitioner

Vs.

- 1.The Director,  
Town and Country Planning,  
CMDA Building,  
E and C Market Road,  
Koyembedu,  
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 No.6, 12A, Survey No.4105/9, 4106/1D situation



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in Detailed Development plan No.2 (Map-4) ward 2, Block -30 and 31 comes within the Local Planning Area as per DDP (MR) No.5/95, dated in the year 1995 of 2nd and 3rd respondent in light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.A.V.Arun  
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 scheme road in the Detailed Development Plan published in the year 1995. 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 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.”*

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.

**26.06.2024**

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

To

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



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MGA

2.The Assistant Director cum  
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