



W.P(MD)No.14911 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14911 of 2024

and

W.M.P(MD)No.13082 of 2024

M/s.Garden Valley Export Corporation,
Represented by its Partner A.P.Jayakar,
33,M.C.Chidambara Nadar Street,
Virudhunagar.

... Petitioner

Vs.

1.The Director,
Directorate of Town and Country Planning,
2nd, 3rd & 4th floor, C & E Market Road,
Koyembedu,
Chennai – 600 107.

2.The Member Secretary,
Madurai Local Planning Authority,
Sector – 6, Aanaiyur – Mudakkathan Main Road,
Koodalputhur,
Madurai – 625 017.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the reservation made in Madakulam Detailed Development Plan Part IV, 1990 with respect to the petitioner's land comprised in old R.S.Nos.234/6B presently as per TSLR



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T.S.Nos.90 situated in Ward No. 22, Block No. 32, earlier Madakkulam Village, presently Madurai Town, Tirupparankundram Taluk, Madurai District within the limits of Madurai Corporation forming part of the Madurai Local Planning Area as deemed to have lapsed in accordance with Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.Ravi
Senior Counsel
for M/s.Rugan and Arya

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.The petition mentioned land was earmarked as scheme road in the Detailed Development Plan published in the year 1990. 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



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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.”

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. Consequently, connected miscellaneous petition is closed.

05.07.2024

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



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G.R.SWAMINATHAN,J.

MGA

To

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