



W.P(MD)No.15538 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15538 of 2024

T.Balasubramania Adityan

... Petitioner

Vs.

1.The Director / Commissioner,
Directorate of Town and Country Planning,
Chepauk,
Chennai-600 006.

2.The Member Secretary / Joint Director,
Tirunelveli Local Planning Authority,
Tirunelveli-05.

3.The Tirunelveli City Municipal Corporation,
Represented by its Commissioner,
Tirunelveli City.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to declare the Tirunelveli L.P.A, PERUMALPURAM EXTENSION DETAILED DEVELOPMENT PLAN NO.9, (COMPREHENSIVE VARIATION) MAP No. 5, issued by the 1st and 2nd respondent in DDP(V)/DTCP No. 7/2003 vide proceedings in Roc. No. 19707199DP dated 31.07.2003 earmarking the petitioner's property in Survey No. 722/1 situated in Kulavanigarapuram Village, Palayamkottai Taluk, Tirunelveli District as road/commercial purpose as lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971.



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For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 & R2

: Mr.S.P.Maharajan
Standing Counsel for R3

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was reserved for road purposes in the detailed development plan in the year 1974. 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.”



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3.In this case, within three years from the date of publication of the detailed development plan, the land was not acquired. Since consequential steps were not taken, it is declared that the reservation made in respect of the petition mentioned land is deemed to have lapsed. It stands released from such reservation in view of the aforesaid statutory provision. The respondents are directed to make the necessary changes in the revenue record.

4.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

12.07.2024

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

1.The Director / Commissioner,
Directorate of Town and Country Planning,
Chepauk,
Chennai-600 006.

2.The Member Secretary / Joint Director,
Tirunelveli Local Planning Authority,
Tirunelveli-05.



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G.R.SWAMINATHAN, J.

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