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W.P.(MD)NO.16654 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16654 of 2024

P.Valli

... Petitioner

Vs.

1. The Director,
Directorate of Town and Country Planning,
2nd , 3rd & 4th Floor, C&E Market Rod,
Koyembedu, Chennai.

2. The Joint Director,
Town and Country Planning,
Tirunelveli City Municipal Corporation,
Tirunelveli.

3. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the reservation of area shown for 50 feet scheme road situate in S.No.521/1A- 1.46 acre and 521/1B1-11 cents and the same now lies in T.S ward at Keelaveeraragavapuram Part-2, T.S.No.21/2 at Keelaveeraragavapuram Village, Palayamkottai Taluk, Tirunelveli District in the Melapalayam Detailed Development plan No.2 Published in the year 1996 as lapsed and deemed to be released as per section 38 of the Town and Country planning Act 1971 and consequently direct the respondents to make



necessary classifications to process the petitioner's building plan approval without insisting the reservation of land as scheme road as per the Development Scheme.

For Petitioner : Mr.H.Arumugam

For R-1 & R-2 : Mr.K.Balasubramani,
Special Government Pleader.

For R-3 : Mr.S.P.Maharajan

* * *

ORDER

Heard the learned Counsel on either side.

2.The petition mentioned land was reserved for formation of scheme road in Melapalayam Detailed Development Plan No.2 published in the year 1996. 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

(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.”

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.

24.07.2024

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

To:

1. The Director,
Directorate of Town and Country Planning,
2nd , 3rd & 4th Floor, C&E Market Rod,
Koyembedu, Chennai.

2. The Joint Director,
Town and Country Planning,
Tirunelveli City Municipal Corporation,
Tirunelveli.



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G.R.SWAMINATHAN,J.

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