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W.P.(MD)NO.16102 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16102 of 2024

K.Abdul Kadhar

... 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,
Rep. by its Commissioner,
Tirunelveli City.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the Tirunelveli L.P.A, Melapalayam D.D.Plan No.5, Map No.4, issued by the first respondent in DDP(TVL)/DTCP No.13/98 dated 31.03.1998 earmarking the petitioner's property in survey No.76/9 (Present survey No.76/1A1B), Town survey No.9/9 (Present town survey No.9/39) situated in Melapalayam Part-3, Ward AR, Melapalayam Town, Palayamkottai Taluk, Tirunelveli District measuring 5.78 cents as “ F1F1 Road, F9F9 Road, GG Road” as lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971.



For Petitioner : Mr.R.J.Karthick
For Respondents : Mr.D.Sasikumar,
Additional Government Pleader.

* * *

ORDER

Heard the learned Counsel on either side.

2.The petition mentioned land was reserved for formation of scheme road in the Detailed Development Plan No.5 of Tirunelveli Local Planning Authority published in the year 1998. 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.”*



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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.

18.07.2024

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

To:

1. The Director / Commissioner,
Directorate of Town and Country Planning,
Chepauk, Chennai – 600 006.
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3. The Tirunelveli City Municipal Corporation,
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G.R.SWAMINATHAN, J.

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