



W.P(MD)No.16866 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16866 of 2024

P.Vijayakumar

... Petitioner

Vs.

1.The Director,
O/o. Town and Country Planning,
Koyembedu, Chennai.

2.The Joint Director / Member Secretary,
Town and Country Planning,
Trichy Region,
No.11, Kajamalai Main Road,
Thamarai Nagar, Kajamalai Colony,
Trichy, Thiruchirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation made in respect of the petitioner lands situated at Srirangam Old Ward No.3, New Ward C, Block No.14, Vellithirumutham village T.S.No.881/1, 882/2 and 882/6, forming part of Jambugeswaram Extension Detailed Development Plan (Map No.5) DTCP No.16/2013 dated 05.07.2013 has been lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act 1971 within the period that may be stipulated by this Court.



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For Petitioner : Mr.K.Viralinathan

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The petition mentioned land was reserved for road purposes in the Jambugeswaram Extension Detailed Development Plan (Map No.5) published in the year 2013. 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.

25.07.2024

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

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G.R.SWAMINATHAN, J.

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