



W.P(MD)No.17891 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 31.07.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.17891 of 2024

1.P.Sankar Ganesh

2.P.Dhanasekar

... Petitioners

Vs.

1.The Director,  
Town and Country Planning,  
C & E Market Road,  
Koyambedu,  
Chennai 600 107.

2.The Member Secretary,  
Madurai Local Planning Authority,  
Madurai.

3.The Madurai City Municipal Corporation,  
Rep. by its Commissioner,  
O/o.Madurai Corporation Office,  
Melur Main Road,  
Outpost,  
Naganakulam,  
Madurai-625020.

... 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 petitioner's land in Survey Nos.14/7A, 14/7B, 14/5B, 14/5C, 14/6, 13/4A1B2, 13/4A1A of



**W.P(MD)No.17891 of 2024**

Melamadai II Bit, Madurai East Taluk, Madurai District is deemed to be released as per Section 38 of Town and Country Planning Act, 1971 from the proposed Scheme Road No.B1B1 and C1C1 under the Melamadai Detailed Development Plan No.1 in DDP / MR No.1/1998 issued by the 2<sup>nd</sup> respondent.

For Petitioner : Mr.T.Antony Arulraj

For Respondents : Mr.P.Thambidurai  
Government Advocate for R1 & R2

: Mr.S.Vinayak for R3

### **ORDER**

Heard the learned counsel on either side.

2.The petition mentioned land was earmarked for scheme road in the detailed development plan published in the year 1998. 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*



**W.P(MD)No.17891 of 2024**

*be released from such reservation, allotment or designation.”*

WEB COPY

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.

**31.07.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
rmi

To

1.The Director,  
Town and Country Planning,  
C & E Market Road,  
Koyambedu,  
Chennai 600 107.

2.The Member Secretary,  
Madurai Local Planning Authority,  
Madurai.



WEB COPY



**W.P(MD)No.17891 of 2024**

**G.R.SWAMINATHAN, J.**

rmi

W.P(MD)No.17891 of 2024

31.07.2024