



W.P(MD).No.21515 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.21515 of 2024

Aruldoss Michael Britto

... Petitioner

Vs.,

1.The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor,
C and E Market Road,
Koyembedu, Chennai 600 107.

2.The Member Secretary,
Madurai Local Planning Authority,
Sector-6,
Aanaiyur, Mudakkathan Main Road,
Koodalpuhur, Madurai 625 017.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to measuring 65 cents comprised in Survey No.83/3 and 83/4B, Kochadai village, Present West Taluk, Madurai District by virtue of purchase through sale deed dated 09.12.1998 registered as document No.587/1999.

For Petitioner : Mr.V.N.Arjun

For Respondents : Mr.D.SadiqRaja
Additional Government Pleader



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ORDER

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This writ petition has been filed to direct the respondents to measuring 65 cents comprised in Survey No.83/3 and 83/4B, Kochadai village, Present West Taluk, Madurai District by virtue of purchase through sale deed dated 09.12.1998 registered as document No.587/1999.

2. It is the case of the petitioner that he is the owner of the land in Survey Nos.83/3 and 83/4B, Kochadai Village, Madurai District. The portion of the said land was earmarked by the respondents for the purpose of “Kochadai Detailed Development Plan No.3” and the said plan was approved by the first respondent vide proceedings in ROC No.24308/20004/DP2, dated 03.03.2002. The plan was also published in the Gazette on 19.10.2005. However, thereafter, the said land has not been acquired within a period of three years from the date of publication. Hence, according to the petitioner, the land is deemed to have been released from the development plan. Hence, he seeks direction of this Court.

3. The learned Additional Government Pleader would submit that as per Section 38 of the Tamil Nadu Town and Country Planning Act (hereinafter referred to as 'Act' for brevity), the land has not been acquired within the time as stipulated under the Act. Written instructions also filed in this regard.



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4. In such view of the matter, Section 38 of the Act, it is well settled that if the land is not acquired within three years from the date of the publication of the notice in the Tamil Nadu Government Gazette, such land shall be deemed to be released from such allotment. In the case on hand, the petitioner's land has not been acquired within the period of three years, though the gazetted notification was issued in this regard on 19.10.2005. Therefore, such land is deemed to have been released to the petitioner/owner on expiry of three years in view of the mandate of Section 38 of the Act.

5. Accordingly, this Writ Petition is allowed and the respondents are directed to release the petitioner's land from the “Kochadai Detailed Development Plan No. 3” by passing specific order, within a period of four weeks from the date of receipt of a copy of this order. No costs.

10.09.2024

NCC : Yes/No
Index : Yes/No
Rmk



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N.SATHISH KUMAR, J.

Rmk

To

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