



W.P.(MD)No.22858 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.22858 of 2021

G.Krishnan

... Petitioner

Vs.

1. The Director of Town and Country Planning,
2, 3 & 4th Floor, B, CMDA office campus,
E & C, Market Road,
Koyambedu,
Chennai-107.

2. The Member Secretary,
Madurai Local Planning Authority,
4, Hakkeem Ajmal Khan Road,
Chinna Chokkikulam,
Madurai-2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare that the reservation made in respect of the petitioner's land in R.S.No.179/2 UDR S.No.38/2 Survey No.38/2B with an extent of 16 cents situates in Siruthur Village, Madurai North Taluk, Madurai, under Siruthur Detailed development plan Part - IV & V is deemed to be lapsed and released from the reservation in the light of section 38 of The Tamilnadu Town and Country Planning Act, 1971 (TN ACT 1974).



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For Petitioner : Mr.P.Gunasekaran

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The present Writ Petition has been filed for issuance of a Writ of Declaration, to declare that the reservation made in respect of the writ petitioner's land in R.S.No.179/2 UDR S.No.38/2 Survey No.38/2B with an extent of 16 cents situates in Siruthur Village, Madurai North Taluk, Madurai, under Siruthur Detailed development plan Part - IV & V is deemed to be lapsed and released from the reservation in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN ACT 1974).

2. It is not in dispute that the writ petitioner's property in dispute was reserved for road purposes in the detailed development plan of the year 1999.

3. The learned Additional Government Pleader appearing for the respondents would submit that the property in dispute has not been acquired so far.



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4. The learned counsel appearing for the writ petitioner would submit that in batch of writ petitions filed by the owners of adjacent portions, this Court has ordered for releasing from such reservation as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

At this juncture, it is necessary to refer Section 38 of the said Act:-

“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.”

5. In the present case also, within three years from the date of publication of the detailed development plan, the property in dispute has not been acquired. Since the respondents have not taken consequential steps, this Court has no other option but to say that the reservation made in respect of the property in dispute is deemed to have lapsed.



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6. In the result, this Writ Petition is allowed. No costs.

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NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1. The Director of Town and Country Planning,
2, 3 & 4th Floor, B, CMDA office campus,
E & C, Market Road,
Koyambedu,
Chennai-107.
2. The Member Secretary,
Madurai Local Planning Authority,
4, Hakkeem Ajmal Khan Road,
Chinna Chokkikulam,
Madurai-2.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csm

**Order made in
W.P.(MD)No.22858 of 2021**

Dated : 28.03.2024