



W.P(MD)No.23028 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23028 of 2023

Karthik Kumar S.Krishnamoorthi
S/o.late Dr.V.Krishnamoorthi,
residing at 500 Broadway,
Apartment 3108, Malden,
Massachussets 02148,
United States of America
represented by his power agent,
D.S.M.Raja Pandian,
S/o.Late.S.R.Durairaj Pandian,
No.448, 4th Cross,
Tata Nagar,
Bangalore-560092,
Karnathaka.

... Petitioner

Vs.

- 1.The Director of Town and Country Planning,
Office of Directorate of Town and Country Planning,
2nd, 3rd & 4th Floor,
E & C Market Road, Koyambedu,
Chennai-600 107.
- 2.The Member Secretary,
Tirunelveli Local Planning Authority,
Xavier Colony, South Bypass Road,
Tirunelveli-627 005.
- 3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.



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(R4 is impleaded by this Court
vide order dated 27.03.2024
in W.M.P.(MD)No.6185 of 2024)

... 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 in respect of the petitioner's land situate in Survey No. 493/1/1B, Ward No.BM, Kulavanigapuram Part-3, Ward 7 of Kulavanigarapuram Village, Tirunelveli District under Perumalpuram Detailed Development Plan - I as having lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.Prem Ayyathurai
for M/s.Ajmal Associates

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader for R1 & R2

: Mr.G.Prabhu Rajadurai for R3

ORDER

Heard the learned counsel on either side.

2. The case of the petitioner is that by citing the statutory mandate set out in Section 38 of the Tamil Nadu Town and Country Planning Act, declaration as sought for must be granted. The basic facts are beyond dispute. The property was shown as scheme road in the detailed development plan published in the year 1999. Admittedly, acquisition was not done. Therefore, reservation in



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respect of the land will have to be treated as lapsed. At this stage, the learned counsel for the impleaded party submits that the petition mentioned land is presently part of an arterial road. Therefore, even though I grant relief of declaration as sought for by the petitioner, I permit the impleaded respondent to submit representation before the District Collector, Tirunelveli for acquiring the property. As and when such an application is received from the impleaded respondent, the District Collector, Tirunelveli shall take appropriate steps in accordance with law.

3. The Writ Petition is allowed on these terms. No costs.

27.03.2024

Index : Yes / No
Internet : Yes/ No
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To

1.The Director of Town and Country Planning,
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G.R.SWAMINATHAN, J.

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