



W.P(MD)No.26614 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26614 of 2022

Shanthi

... Petitioner

Vs.

1.The Director of Town and Country Planning,
807, Anna Salai,
Chennai.

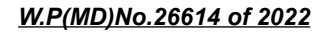
2.The Member Secretary,
Madurai Town and Country Planning Authority,
Madurai,
Madurai District.

... 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's land in R.S.No.86/4, Viraganoor Village, Madurai South Taluk, Madurai forming part of the Virahanur Detailed development plan No.3 to have lapsed in light of Sec.38 of the Tamil Nadu Town and Country Planning Act 1971 (TN Act 35 of 1974).

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.T.Villavankothai
Additional Government Pleader



Heard both sides.

“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

3. In this case, admittedly, no acquisition proceedings were taken. Therefore, the land in question should be deemed to have been released from reservation. The petitioner is entitled to the relief sought for. The reservation in respect of the petition mentioned land is declared as lapsed. The respondents are directed to make the necessary changes in the relevant records.

20.02.2024

<https://www.mhc.tn.gov.in/judis>
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- To
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G.R.SWAMINATHAN, J.

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