



W.P(MD)No.25746 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.25746 of 2024

Mahendran

... Petitioner

Vs

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

2.The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur – 613 007.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing to the respondents 1 and 2 to release the petitioner's land with an extent of 40 cents in R.Survey No.191/1A1 (Old R.Survey No.191/1A) situated in Miruthiyanja Padaiveedu Village, Palavathankattalai, Kumbakonam Taluk, Thanjavur District treating the 'Palavanthankattalai Detailed Development Plan 4' as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.G.Perumal

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader



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ORDER

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This Writ Petition has been filed for a direction, directing the respondents to release the petitioner's land admeasuring 40 cents comprised in R.Survey No.191/1A1 (Old R.Survey No.191/1A) situated in Miruthiyanja Padaiveedu Village, Palavathankattalai, Kumbakonam Taluk, Thanjavur District treating the 'Palavanthankattalai Detailed Development Plan 4' as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (in short hereinafter referred to as 'the Act, 1971').

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner had purchased the property admeasuring 40 cents comprised in R.Survey No.191/1A1 (Old R.Survey No.191/1A) situated in Miruthiyanja Padaiveedu Village, Palavathankattalai, Kumbakonam Taluk, Thanjavur District by the registered sale deed dated 19.09.2017 vide Document No.3809 of 2017. Thereafter, when the petitioner approached the second respondent to regularize his subject land, the petitioner was



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informed that the subject land had been earmarked under the scheme named 'Palavanthankattalai Detailed Development Plan 4' for E.E Road. Therefore, they cannot regularize the same in respect of the petitioner's property. Therefore, the petitioner submitted a representation, dated 25.09.2024 seeking release of the subject property as lapsed, since after the detailed development plan, no acquisition proceedings have been initiated to acquire the subject land in order to develop the same. If the subject land is not acquired within a period of 3 years, it has to be released as per Section 38 of the Act, 1971.

4.On instructions, Mr.D.Gandhi Raj, learned Special Government Pleader appearing for the respondents would submit that now admittedly as per the 'Palavanthankattalai Detailed Development Plan 4', the subject land has not been acquired so far. Further, five years also expired and as such, the respondents released the subject property from the 'Palavanthankattalai Detailed Development Plan 4'



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5.In view of the above submission, the subject property is hereby released from the 'Palavanthankattalai Detailed Development Plan 4' as lapsed under Section 38 of the Act, 1971.

6.Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

05.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

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G.K.ILANTHIRAIYAN, J.

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