



W.P(MD)No.25608 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25608 of 2023

M.Narthanam

... Petitioner

Vs.

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

2.The Commissioner,
Dindigul Municipal Corporation,
15/9, Trichy Road,
Dindigul – 624 001.

3.The Deputy Director and
District Town and Country Planning
Officer,
No.14, Vivekananda Nagar,
Dindigul – 624 001.

... Respondents

rayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the 3rd respondent in File No.SWP/BPA/018125/2023/TCP dated 06.10.2023 and quash the



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same insofar as the rejection of planning approval citing the Meenatchinaickenpatti Detailed Development Plan is concerned, and consequently to direct the respondents to grant approval to the petitioner's Online Building Plan Application in SWP/BPA/018125/2023/TCP dated 09.09.2023.

For Petitioner : Mr.P.Mohammed Suhail

For Respondents : Mr.T.Vilavankothai,
Additional Government Pleader for R1 to R3

Mr.J.Lawrance for R2

ORDER

Heard both sides.

2.The petition mentioned land was earmarked as scheme road in the detailed development plan published in the year 2011. No step for acquiring the petition-mentioned land was taken within three years.

3.Section 38 of The Tamil Nadu Town and Country Planning Act reads as follows:-

“ 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-



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(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.”

4.Applying the aforesaid statutory mandate, I declare that the petition-mentioned reservation has lapsed and the respondents are directed to make changes in the relevant records. This writ petition stands allowed. No costs.

26.03.2024

Index : Yes / No
Internet : Yes/ No
Skm



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2nd, 3rd & 4th Floor, E&C Market Road,
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G.R.SWAMINATHAN, J.

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