



W.P.(MD)No.7671 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

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A.Maria Cecily,
The Correspondent,
Sacred Heart Girls Higher Secondary School,
No.5363, Thadikonda Ayyanar Street, Perangulam,
Pudukkottai District.

... Petitioner

-VS-

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
CMDA Office Complex,
E and C, Market Road, Srinivasa Nagar,
Virugambakkam, Koyambedu,
Chennai.

2.The Assistant Director / Member Secretary,
The District Town and Country Planning Office,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Declaration to declare the reservation in respect of the land of the petitioner comprised in T.S.No.12/1(Old S.No.5365) at Block No.70, Ward-A, Pudukkottai District under the Pudukkottai Local Detailed Development Plan to have lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 within time stipulated by this Court.



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For Petitioner : Mr.S.A.Iniyavan Abdullah
for M/s.Ajmal Associates

For Respondents : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petition mentioned land was included in the Detailed Development Plan and published in the official Gazette and the same was approved under Section 29 of the Tamil Nadu Town and Country Planning Act, 1971, by the first respondent on 17.03.2004, which was 21 years ago. However, no consequential steps for acquisition have been taken since then. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, 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 -

(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



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(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation."

3. Applying the aforesaid statutory mandate and in view of the inaction on the part of the respondents, it is declared that the reservation made in respect of the petition mentioned land had lapsed. Therefore, the respondents are directed to effect consequential changes in the relevant records.

4. This Writ Petition is allowed accordingly. There shall be no order as to costs.

NCC : Yes / No

Index : Yes / No

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VIVEK KUMAR SINGH, J.

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