



W.P.(MD)No.10301 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10301 of 2025

Ayyakani

: Petitioner

Vs.

1. The Director,
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor, C and 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 Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents No.1 and 2 to release the Petitioner's land with an extent of 2820 square Meter situated in Town Survey Number 706/1 and 706/2, Ward 2, Block 27, Kulathumettu Street, Karunthattangudi, Aavusagip Village, Thanjavur District treating the “Karanthai Detailed Development Plan No.VIII (Map No. 4 and 5)” of Thanjvur Local Planning Area as lapsed under Section 38 of Tamil Nadu Town Country planning Act 1971 within a stipulate time that may be fixed by this Court.



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For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.K.S.Selva Ganesan

Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to release the Petitioner's land measuring to an extent of 2820 square Meter situated in Town Survey Number 706/1 and 706/2, Ward 2, Block 27, Kulathumettu Street, Karunthattangudi, Aavusagip Village, Thanjavur District, treating the “Karanthai Detailed Development Plan No.VIII (Map No. 4 and 5)” of Thanjavur Local Planning Area as lapsed under Section 38 of Tamil Nadu Town Country planning Act 1971.

2. Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents. By consent of both parties and also considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.



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3. The petition mentioned land was shown as earmarked for Detailed Development Plan published in the year 2009. It is beyond dispute that consequential steps for acquisition were not taken within three years thereafter. 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 (b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.”

Applying the statutory mandate, it is declared that the petition mentioned reservation is deemed to have lapsed. The relief sought for by the petitioner is granted. The respondents are directed to make necessary changes in the relevant records.



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4. This writ petition is allowed accordingly. There shall be no order as to costs.

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Index : Yes / No

NCC : Yes / No

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VIVEK KUMAR SINGH, J.

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