

REV APLW(MD).No.107 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.08.2025

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLW(MD)No.107 of 2025

in

W.P(MD)No.20419 of 2022

and

W.M.P(MD)No.15084 of 2025

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,
Tirunelveli Local Planning Authority,
Xavier Colony,
South Bypass Road,
Tirunelveli – 627 005.

... Review Petitioners/
Respondents

v.

M.A.S.Syed Mohamed

... Respondent /
Writ Petitioner



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PRAYER: Review Application filed under Order XLVII Rule 1 & 2 r/w Section 114 of CPC to set aside the review order dated 30.08.2022 made in W.P(MD)No.20419 of 2022 and allow the review petition.

For Petitioners : Mr.C.Venkatesh Kumar
Special Government Pleader

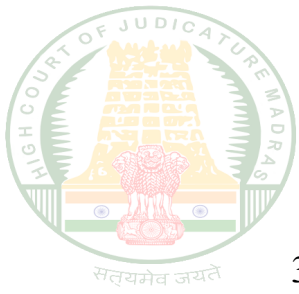
For Respondent : Mr.T.Aswin Rajasimman

ORDER

Heard both sides.

2.The respondent herein filed W.P(MD)No.20419 of 2022 for the following relief:

“Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents 1 and 2 to release the petitioner's land in an extent of 25 cents in Survey Number. 86/1, 2, 3/C situated at Melapalayam Village, Palayamkottai Taluk, Tirunelveli District earmarked for the “Melapalayam Detailed Development Plan No.5” by treating the “Melapalayam Detailed Development Plan No.5” as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.”



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terms:

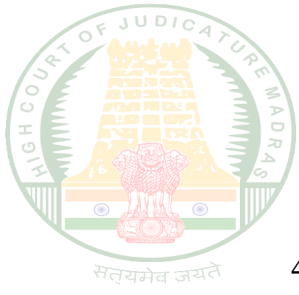
3.The writ petition was allowed on 30.08.2023 in the following

“2. The petition mentioned land was earmarked in the Melapalayam Detailed Development plan No.5 in the year 1998 as scheme road / park. However, consequential steps for acquiring the property were not taken. 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.”

3. Applying the aforesaid statutory mandate set out under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 I declare that the reservation made in respect of the petition mentioned land has lapsed. The respondents are directed to make necessary changes in the relevant records. This writ petition is allowed.”

Seeking review of the said order, this review application has been filed.



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4.The learned Special Government Pleader pointed out that the land was earmarked as park at the time of promoting the layout. It is not as if the land was shown as a park for the first time in the Detailed Development Plan. Therefore, the question of applying Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 did not arise at all. The order passed by this Court suffers from a patent and apparent error on the very face of the record. Order dated 30.08.2022 is set aside. The writ petition stands dismissed. Liberty is given to the review applicant to work out his remedy in the manner known to law.

5.This Review Application is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.08.2025

Index :Yes/No
Internet:Yes/No
NCC :Yes/No
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G.R.SWAMINATHAN, J.

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