



W.P.(MD) No.26566 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.26566 of 2024

N.Neela Smith

... Petitioner

/vs./

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

2.The Member Secretary,
Nagercoil Local Planning Authority,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declare the reservation in respect of petitioner's land situate in Survey No.20/7, Ward-G, Vadasery Village, Agastheeswaram Taluk, Kanyakumari District under Nagercoil Detailed Development Plan-III as having lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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For Petitioner : Mr.Prem Ayyathurai for
M/S.Ajmal Associates

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The writ petition has been filed for a Writ of Declaration to declare that the reservation in respect of petitioner's land situate in Survey No.20/7, Ward-G, Vadasery Village, Agastheeswaram Taluk, Kanyakumari District under Nagercoil Detailed Development Plan-III as having lapsed, in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2.The learned Government Advocate for the respondents confirms that the land that was earmarked under Nagercoil Detailed Development Plan-III has not been acquired by the respondents as is contemplated under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

3.Several judgments have also been passed by this Court in terms of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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4. Therefore, this Writ Petition is liable to be allowed and is accordingly, allowed. No costs.

Index : Yes / No
Internet : Yes / No
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To

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Office of Directorate of Town and Country Planning,
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2. The Member Secretary,
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C.SARAVANAN, J.

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