



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-08-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 4274 of 2026

K.Srinivasan

..Petitioner(s)

Vs

1. The Director of Town and Country Planning,
Directorate of Town and Country Planning,
Second Third and Fourth Floor,
E and C Market Road, Koyambedu,
Chennai-600 107.

2. The Assistant Director of Town and
Country Planning,
Erode District Town and Country Planning,
Sampath Nagar,
Erode -638 011.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari mandamus to quash the impugned proceedings of the 1st respondent in Na.Ka.No.15196/2022/TCP3 dated 30.08.2023 and the consequential proceedings of the 2nd respondent in Na.Ka.No.2217/2023-ED-3 dated 04.12.2023 as illegal and further declare that Detailed Development Plan No.7 Periyasemur, Periyasemur Municipality, Erode Local Planning Area as lapsed in so far as it relates to the petitioner's land in S.No.417/1 measuring an extent of 1.55.50 Hec.(3.84 acres) bearing Patta No.1001 situated at Periyasemur B Village, Erode Taluk, Erode District and thereby release the said land as provided under Sec.38 of the Tamilnadu Town and Country Planning Act, 1971.

For Petitioner(s):

Mr.P.Sengottuvel, Senior Advocate for
Mr.K.R.Nishanth

For Respondent(s):

Mr.S.Sidhartha Vishnu, Govt. Advocate



ORDER

The petitioner has approached this Court challenging the proceedings of the 1st respondent in Na.Ka.No.15196/2022/TCP3 dated 30.08.2023 and the consequential proceedings of the 2nd respondent in Na.Ka.No.2217/2023-ED-3 dated 04.12.2023, and seeking a declaration that the reservation of the petitioner's land for a scheme road under Detailed Development Plan No.7, Periyasemur, Periyasemur Municipality, Erode Local Planning Area, has lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2. The petitioner's land was reserved for a scheme road under Detailed Development Plan No.7, Periyasemur, published by the Erode Local Planning Authority in 2006. The petitioner had earlier approached this Court in W.P.No.15088 of 2022 seeking a declaration that the reservation of his land in Survey No.417/1, Periyasemur Village, Erode Taluk, Erode District, had lapsed under Section 38 of the Act.

3. By order dated 10.08.2022, this Court permitted the petitioner to submit a detailed representation before the authority concerned and directed the authority to pass appropriate orders in accordance with the earlier decisions of this Court.

4. Pursuant thereto, the petitioner submitted a representation to the 1st respondent on 07.02.2023. By the impugned proceedings, the said representation



was rejected on the ground that the issue would be considered only at the time of final approval of the Detailed Development Plan.

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5. Heard the learned counsel appearing for the parties and perused the materials available on record.

6. Admittedly, the subject land was reserved for a scheme road under the Detailed Development Plan published in 2006. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 provides for release of land from such reservation. Under the said provision, if, within three years from the date of publication of the notice under Section 26 or 27, no declaration under Section 37(2) is published in respect of the land reserved, allotted or designated for a specified purpose, and the land is not acquired by agreement, the land shall be deemed to have been released from such reservation.

7. In the present case, the respondents have admittedly not acquired the subject land within the prescribed period. Therefore, the reservation over the subject land is deemed to have lapsed by operation of Section 38 of the Act. Consequently, the impugned proceedings of the 1st respondent dated 30.08.2023 and the consequential proceedings of the 2nd respondent dated 04.12.2023 are set aside.

8. Accordingly, the writ petition is allowed. It is declared that the reservation of the petitioner's land in Survey No.417/1, measuring 1.55.50



Hectares (3.84 acres), bearing Patta No.1001, situated at Periyasemur B Village, Erode Taluk, Erode District, for a scheme road under Detailed Development Plan No.7, Periyasemur, Periyasemur Municipality, Erode Local Planning Area, has lapsed. The petitioner is entitled to use the said land in accordance with law. There shall be no order as to costs.

18-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssk

To

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HEMANT CHANDANGOUDAR, J.

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