



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2026

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THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 20699 of 2025

C. Nirmalkumar

..Petitioner(s)

Vs

1. The Secretary
Housing And Urban Development Department,
Fort St. George, Chennai-600 015.
2. The Director Of Town And Country Planning
Office Of The Directorate Of Town And
Country Planning
Second, Third And Fourth Floor,
C & E Market Road,
Koyambedu, Chennai-600 107.
3. The Member Secretary
Erode Town And Country Planning
Authority Office, Sampath Nagar,
Backside to Farmers Market,
Erode-638 011.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of declaration to declare the reservation made in respect of the properties in R.S.No.146/4A1A, Plot No.52 in Punjai lakkapuram Village, Modakkurichi Taluk, Erode District forming part of Punjai lakkapuram Detailed Development Plan No.6 to have lapsed, in view of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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For Petitioner(s): Mr.D.Lakshmipathy

For Respondent(s): Mr.M.Sivavarthanam,
Govt. Advocate

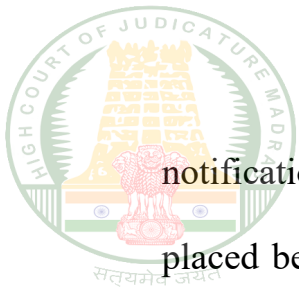
ORDER

The petitioner has filed the present writ petition seeking a declaration that the reservation made in respect of the property comprised in R.S. No.146/4A1A, Plot No.52, Punjai Lakkapuram Village, Modakkurichi Taluk, Erode District, forming part of Punjai Lakkapuram Detailed Development Plan No.6, has lapsed under the provisions of the Tamil Nadu Town and Country Planning Act, 1971.

2. The petitioner is the owner of the subject property. It is the petitioner's case that the property was reserved for the purpose of formation of a road under Roc. No.24377/06 D.P.1 dated 20.03.2008. According to the petitioner, although the reservation was made in the year 2008, no proceedings have been initiated to acquire the property till date.

3. The petitioner therefore contends that, in view of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the reservation over the property has automatically lapsed, as the land has not been acquired within the statutory period prescribed under the Act.

4. The respondents have filed a counter affidavit. However, they have not disputed the petitioner's specific contention that the subject property has not been acquired within three years from the date of publication of the relevant



notification in the Tamil Nadu Government Gazette. No material has also been placed before this Court to show that acquisition proceedings were initiated or completed within the period prescribed under Section 38 of the Act.

5. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, provides that where land reserved, allotted or designated for a public purpose under a development plan is not acquired within three years from the date of publication of the relevant notification, such land shall be deemed to have been released from such reservation, allotment or designation.

6. In the present case, it is an admitted position that the reservation was made in the year 2008 and that the land has not been acquired even as on date. Therefore, by operation of Section 38(2) of the Act, the reservation over the petitioner's property has automatically lapsed.

7. Once the statutory period has expired without acquisition of the land, the reservation cannot continue indefinitely. The petitioner cannot be deprived of the full enjoyment of the property merely because the land was once shown as reserved in the Detailed Development Plan. The consequence contemplated under Section 38(2) follows automatically, and the reservation stands released by operation of law.

8. Accordingly, the writ petition is allowed. It is declared that the reservation made in respect of the petitioner's property comprised in R.S. No.146/4A1A, Plot No.52, Punjai Lakkapuram Village, Modakkurichi Taluk, Erode District, forming part of Punjai Lakkapuram Detailed Development Plan



No.6, is deemed to have lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. Consequently, the petitioner is entitled to enjoy the

property as absolute owner, subject to the provisions of law. There shall be no order as to costs.

30-07-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

ssk

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HEMANT CHANDANGOUDAR, J.

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