



W.P.No.24568 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.07.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.24568 of 2026
and
W.M.P.No.26798 of 2026

1. T.Mohan Raj
S/o.Thulasimani
2. T.Pushpalatha
W/o.Thulasimani
3. M.Suganya
W/o.Mohan Raj

... Petitioners

vs.

1. The District Officer Town and Country
Planning Department
Erode City Municipal Corporation
246, Brough Road, Erode,
Tamil Nadu – 638 001.
2. The District Officer
Town and Country Planning Department
Erode City Municipal Corporation
246, Brough Road, Erode,
Tamil Nadu – 638 001.
3. The Member Secretary

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Erode Local Planning Authority
New Colony Housing Board Road
Erode, Tamil Nadu – 638 001.

4. The Secretary
Department of Housing & Urban Development
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, to call for the records pertaining to the rejection letter dated 07.05.2026 vide File No.P682FRPB/2026/TCP and set aside the rejection letter dated 07.05.2026 vide File No.P682FRPB/2026/TCP on the file of the second respondent and consequently, direct the 2nd respondent to consider the online layout application vide File No.P682FRPB/2026/TCP dated 03.03.2026 preferred by the petitioners and thereby granting approval to the proposed layout in Old Survey No.501 subdivided as T.S.No.3/3-3/4-3/5, Block 130, Ward G, Periyasemur, Erode – 638 004.

For Petitioners : Mr.M.P.Sri Vignesh

For Respondents : Mr.P.Siddarth
Government Counsel

ORDER

The petitioners have filed the present writ petition challenging the order dated 07.05.2026 issued by the second respondent, whereby the online



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application submitted by them seeking approval for a residential layout has been rejected.

2. The petitioners claim to be the owners of the property bearing Old Survey No.501, subdivided as T.S. Nos.3/3, 3/4 and 3/5, Block No.130, Ward G, Periyasemur, Erode – 638 004. They intended to develop the property by forming a residential layout and, therefore, submitted an application to the second respondent seeking layout approval. The application was rejected on the ground that the property had been earmarked for the proposed Outer Ring Road under the Erode Master Plan published in 2011.

3. The learned State Counsel, on instructions, submitted that there is presently no proposal to construct the Outer Ring Road and that the petitioners' property has not been acquired for the said purpose.

4. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as “the Act”), reads as follows:

“38. Release of land.—If within three years from the date of publication of the notice in the Tamil Nadu Government Gazette under Section 26 or Section 27—



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(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.”

5. The issue involved in the present writ petition is squarely covered by the order of this Court in W.P.(MD) No.8515 of 2021, dated 25.06.2021, wherein it was held that if the land is not acquired within three years from the date of publication of the development plan, the land shall be deemed to have been released from such reservation under Section 38 of the Act. Reliance was placed on the following decisions:

(i) M. Amsavalli vs. Director of Town and Country Planning, (2017) 2 CWC 418;

(ii) R.M. Shanmuganathan vs. Director of Town and Country Planning, (2018) 2 CWC 20;

(iii) L.K.S. Mohammed Meera Mohaideen vs. Director of Town



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and Country Planning, W.P.(MD) No.5652 of 2019;

(iv) *The Director of Town and Country Planning and another vs. Muthu and others*, W.A.(MD) No.485 of 2020; and

(v) *Nagendran vs. The Director of Town and Country Planning*, W.P.(MD) No.166 of 2021.

6. In the aforesaid decisions, it was held that where no steps are taken to acquire the land within the period prescribed under Section 38 of the Act, the reservation automatically lapses.

7. In the present case, the development plan was published in the year 2011. Admittedly, the petitioners' property has not been acquired till date. Therefore, by operation of Section 38 of the Act, the reservation over the petition-mentioned property is deemed to have lapsed.

8. In view of the above, the rejection of the petitioners' application for approval of the residential layout solely on the ground that the property is reserved for the proposed Outer Ring Road is legally unsustainable and is liable to be set aside.

9. Accordingly, the writ petition is allowed and the impugned order dated 07.05.2026 issued by the second respondent is quashed. The second



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respondent is directed to reconsider the petitioners' application for layout approval afresh and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order, subject to the petitioners furnishing all relevant particulars sought for in the impugned communication.

10. Consequently, the connected miscellaneous petition is closed. No costs.

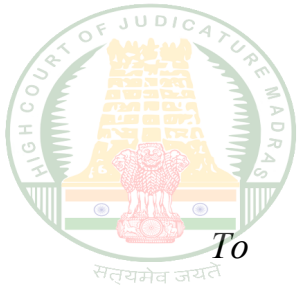
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Speaking / Non-speaking order

Neutral Citation : Yes / No

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HEMANT CHANDANGOUDAR, J.,

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