



W.P.No.29148 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30.07.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.29148 of 2026

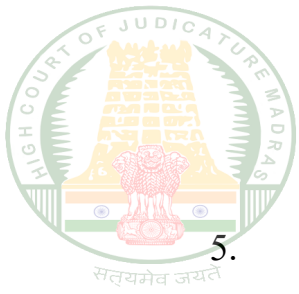
S.Murugesan
S/o.Sellamuthu

... Petitioner

vs.

1. The Secretary to Government of Tamil Nadu
O/o. Housing and Urban Development Department
Secretariat
Chennai-600 009.
2. The Director of Town and Country Planning
Office of Directorate of Town and Country Planning
Second, Third and Fourth Floors
E & C Market Road, Koyambedu
Chennai-600 107.
3. The Assistant Director
Town and Country Planning
District Town & Country Planning Officer
1st Floor, Kumaran Commercial Complex
Tiruppur.
4. The Member Secretary
Dharapuram Local Planning Authority
Office of Local Planning Authority
Dharapuram.

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5. The Commissioner
Dharapuram Municipality
Dharapuram
Tiruppur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying a writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 5th respondent in Na.Ka.No.1534/2025/F1 dated 07.04.2026, quash the same as illegal and arbitrary, and consequently, direct the 4th respondent to regularise Plot No.38, comprised in Ward No.6, Block No.28, Old Town Survey No.189/3, New Survey No.23/1, Dharapuram Municipality.

For Petitioner : Mr.K.V.Muthu Visakan
For Respondents : Mr.M.Sivavarthan
Government Counsel, for R1 to R4
Mr.P.Srinivas
Standing Counsel, for R5

ORDER

The petitioner has challenged the proceedings dated 07.04.2026 issued by the fifth respondent, whereby the petitioner's application for regulation of Plot No.38, Survey No.6, Block No.28, Town Survey No.23/1, Dharapuram Municipality was rejected.



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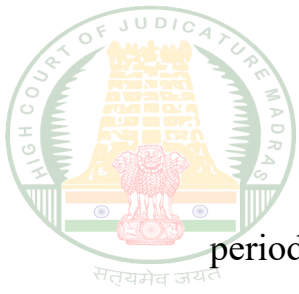
2. The petitioner purchased the said property in an unapproved layout.

Thereafter, the petitioner applied for regulation of the plot by paying the prescribed fee. The application was rejected on the ground that, under Approved Detailed Development Plan No.2, the property falls within the proposed scheme road. The said Detailed Development Plan was published in the year 2006.

3. The issue that arises for consideration is whether the respondents could reject the petitioner's application on the ground that the property is reserved for a scheme road, even though no steps have been taken to acquire the land for nearly two decades.

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

5. The above legal position is no longer res integra. This Court, in W.P.(MD) No.8515 of 2021 dated 25.06.2021, after considering several earlier decisions, held that if the authorities fail to acquire the land within the



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period stipulated under Section 38 of the Act, the reservation automatically lapses by operation of law. The said view has consistently been followed in:

- (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 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 present case, the Detailed Development Plan was published in the year 2006. It is not disputed that the petitioner's property has not been acquired till date. Therefore, by virtue of Section 38 of the Act, the reservation over the petitioner's property is deemed to have lapsed.

7. Once the reservation has lapsed by operation of law, the respondents cannot reject the petitioner's application solely on the ground that the property forms part of a proposed scheme road. The impugned order is



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therefore legally unsustainable.

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8. It is also brought to the notice of this Court that the petitioner has already paid the prescribed fee for regulation of the plot. Therefore, the petitioner's application deserves to be considered on its own merits, without reference to the lapsed reservation.

9. Accordingly, the writ petition is allowed. The proceedings dated 07.04.2026 issued by the fifth respondent are quashed. The fifth respondent is directed to reconsider the petitioner's application for regulation of the plot on its own merits, in accordance with law, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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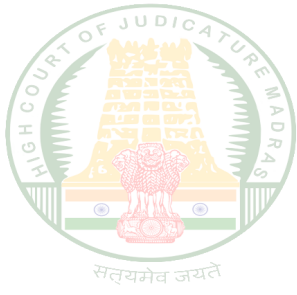
Speaking / Non-speaking order

Neutral Citation : Yes / No

Index : Yes / No

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HEMANT CHANDANGOUDAR, J.,

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