



W.P.No.50093 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.07.2026

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THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.50093 of 2025

R.Elumalai
S/o.Ranganatha Gounder

... Petitioner

vs.

1. The Principal Secretary
Housing and Urban Development Department
Fort St.George, Secretariat
Chennai-600 009.
2. The Director
Town and Country Planning
807, Anna Salai, Chennai-600 002.
3. The Deputy Director
Town and Country Planning
No.56A, Ground Floor, Tadco Building
Government Hospital Road
Villupuram – 605 602.
4. The Commissioner
Tindivanam Municipality
Tindivanam, Villupuram District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus, to direct the respondents to consider and dispose of the petitioner's representation dated 01.10.2025, seeking release of the petitioner's land in Survey Nos.13/2, 13/3, 13/4, 13/5, 13/7, 13/8 and 13/9 of Avarapakkam Village, Tindivanam Taluk, Villupuram District, measuring 1.99 acres (approximately) from reservation under the "80 Feet AA Scheme Road" in the Tindivanam Master Plan.

For Petitioner : Mr.S.Poovendhan

For Respondents : Mr.C.Prabakaran
Government Counsel, for R1 to R3
Dr.T.Seenivasan,
Standing Counsel, for R4

ORDER

The petitioner has filed the present writ petition seeking a direction to the respondents to consider and dispose of his representation dated 01.10.2025. By the said representation, the petitioner sought the release of his lands comprised in Survey Nos.13/2, 13/3, 13/4, 13/5, 13/7, 13/8 and 13/9 of Avarapakkam Village, Tindivanam Taluk, Villupuram District.

2. According to the petitioner, he is the absolute owner of the subject lands, having purchased the same under a sale deed dated 04.02.2009,



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registered as Document No.372 of 2009.

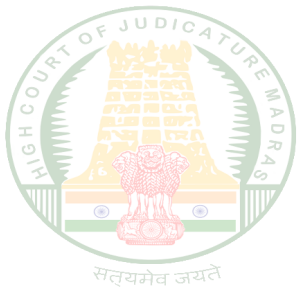
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3. Learned counsel for the petitioner submits that the subject lands were earmarked for the proposed “80 Feet AA Scheme Road” in the Tindivanam Master Plan published in the year 1994. He further submits that, despite the lapse of more than 31 years, the respondents have not initiated any acquisition proceedings in respect of the subject lands. It is further submitted that, in terms of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as “the Act”), where the land reserved for a public purpose is not acquired within three years from the date of publication of the notice under Section 26 or Section 27, and no declaration under Section 37(2) of the Act is published within the said period, the reservation is deemed to have lapsed and the land is deemed to have been released from such reservation.

4. Section 38 of 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—

(a) no declaration as provided in sub-section (2) of Section 37 is published in respect of any land reserved, allotted or



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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 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



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

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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 1994. Admittedly, the petitioner's properties have 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.

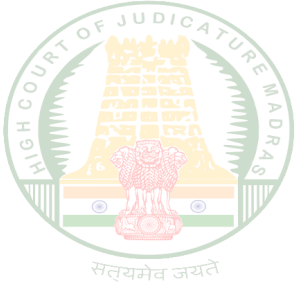
8. In view of the above, the Writ Petition is disposed of with a direction to the respondents to consider the petitioner's representation dated 01.10.2025 on merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

10.07.2026

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

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HEMANT CHANDANGOUDAR, J.,

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To

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