



W.P(MD)No.18765 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.18765 of 2026

Chaduru

... Petitioner

Vs

1.The Director,
Directorate of Town and Country Planning,
2nd, 3rd, 4th floor, C and E Market Road,
Koyambedu,
Chennai-600 107.

2.The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur-613 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to release the petitioner's land in Survey Nos.1590/2, 1590/3, 1595/2 and 1598/2 situated at Block No.42, Ward 1, Thanjavur City Corporation, Thanjavur Taluk, Thanjavur District, treating Karanthai Detailed Development Plant Part-III (Map No.5)” as



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For Petitioner : Mr. R.Karunanidhi

For Respondents : Mrs. R.Ramasamy,
Counsel for the State

ORDER

This Writ Petition has been filed directing the respondent Nos.1 and 2 to release the petitioner's land in Survey Nos.1590/2, 1590/3, 1595/2 and 1598/2 situated at Block No.42, Ward 1, Thanjavur City Corporation, Thanjavur Taluk, Thanjavur District, treating Karanthai Detailed Development Plan Part-III (Map No.5)” as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2. Heard Mr. R.Karunanidhi, learned counsel appearing for the petitioner, and Mr. R.Ramasamy, learned Counsel for the State who takes notice on behalf of the respondents.

3. By consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the stage of admission itself.



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4. The case of the petitioner is that he acquired the petition mentioned property and the same was approved by the Director of Town and Country Planning and published in the Tamil Nadu Government Gazette, in which, a portion of the above said lands of the petitioner, were reserved by the first respondent for Scheme road. However, the said lands were not acquired under Section 37 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act') within three years from the date of publication of the Detailed Development Plan. Hence, the reservation made under the Detailed Development Plan in respect of petitioner's properties, is deemed to have lapsed, in the light of Section 38 of the Act. Hence, the petitioner has filed the present writ petition seeking the aforesaid relief.

5. The learned counsel for the petitioner submitted that the issue raised in the present case, is no longer res integra and notification was issued in the Tamil Nadu Government Gazette in the year 1977. He further submitted that the respondents ought to have acquired the petitioner's lands within a period of three years. However, till now, the said Scheme was not implemented. Hence, it



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automatically lapsed in terms of Section 38 of the Act. The learned counsel further submitted that the issue involved in the present writ petition was decided by this Court in W.P.(MD).No.8515 of 2021 dated 25.06.2021. Accordingly, he prayed for allowing this writ petition.

6. The learned Counsel for State fairly submitted that the issue raised in the present cases is no longer res integra and it is covered by the decision in W.P. (MD)No.8515 of 2021, dated 25.06.2021. The relevant paragraphs Nos.5,6,7 and 8 of the said decision are extracted hereunder:

“5.It is not necessary for this Court to consider the entire scheme of the Act, since for the very same Kochadai detailed development scheme, a Division Bench of this Court in W.A.(MD)No.485/2020 has held that the scheme had lapsed by virtue of Section 38 of the Act. The relevant portions in the judgment are extracted hereunder:

“11.As rightly pointed out by the learned counsel appearing for the respondents/writ petitioners that the counter affidavit proceeds on the merits of the claim and in no way deal with deemed lapse and in the considered opinion of this Court, the learned Judge, on correct appreciation of facts and by applying the legal position as



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enumerated in the above said judgment, allowed the writ petition. This Court, on going through the reasons assigned in the impugned order, is of the considered view that there is no infirmity or error apparent on the face of the record for the reason assigned by the learned Single Judge for allowing the writ petition and finds that the writ appeal lacks merits.

12. It is also brought to the knowledge of this Court that the writ appeal filed by the official respondents in WA(MD) No.340 of 2020, against the order dated 27.02.2017 in W.P.(MD).No.14456 of 2014 was also dismissed on 02.03.2020.”

6. This Court has consistently held that if the land has not been acquired within a period of three years from the date of publishing the detailed development plan in the Gazette, the concerned lands shall be deemed to be released from such reservation. It will be beneficial to provide the details of the cases, wherein this Court had reached such a conclusion:

1. M.Amsavalli v. Director of Town and Country Planning reported in (2017) 2 CWC 418.

2. R.M.Shanmuganathan v. Director of Town and



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Country Planing reported in (2018) 2 CWC 20;

3. W.P(MD) No. 5652 of 2019 (LKS Mohammed Meera Mohaideen V. Director of Town and Country Planning;

4. W.A.(MD) No.485 of 2020 (The Director of Town and Country Planning and another V. Muthu and Others) and

5. W.P.(MD).No.166 of 2021 (Nagendran V. The Director of Town and Country Planning.)

7. In the present case, the detailed development plan was notified under Section 31 of the Act in the year 2006. However, the respondents failed to take any steps to acquire the land and therefore, by operation of Section 38, the scheme lapsed.

8. In the result, the property belonging to the petitioner has to be released from the Kochadai detailed development plan scheme, since it has lapsed under Section 38 of the Act. Accordingly, this writ petition is allowed. No costs."



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Accordingly, the respondents are directed to release the petitioners' properties from the Karanthai Development Plan Part-III, since it has lapsed under Section 38 of the Act. No costs.

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NCC : Yes / No
Index : Yes / No
TSG

To

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2.The Member Secretary,
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M.DHANDAPANI, J.

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