



W.P(MD)No.19609 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.19609 of 2026

S.Vijayaraja

... Petitioner(s)

VS.

1. The Secretary to Government,
Housing and Urban Development Department,
The Secretariat,
Chennai.

2. The Director of Town and Country Planning,
O/o. the Director of Town and Country Planning ,
No.807, Anna Salai,
Chennai 02.

3. The District Collector,
Virudhunagar District,
Virudhunagar.

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4. The Assistant Director,
O/o. the Assistant Director Town and
Country Planning,
Virudhunagar District,
Virudhunagar.

5. Aruppukottai Municipal Corporation,
Through its Commissioner,
Corporation Office,
Thiruchuli Road,
Aruppukottai,
Virudhunagar District.

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Declaration to declare, the reservation, made in respect of the petitioners lands in Writ of Declaration that the petitioners property in T.S.No.11/6 an extent of 54 Cents in Aruppukkottai Village, Aruppukkottai Town and Taluk. Virudhunagar District are Lapsed as per Section 38 of the Tamil Nadu Town and Country Planning Act and consequently direct the respondents to issue appropriate order releasing his property, from the Aruppukottai South West extension Part 2 Detailed Development Plan D1, in light of the judgment of this Honble Court in Commissioner Aruppukottai Municipality Vs Kamakshi Shetty reported in 2011 (8) MLJ 437 and consequently direct the respondents to make necessary entry regarding lapse of the Aruppukottai South West Extension Part 2 Detailed Development Plan D1 in respect of our properties.



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For Petitioner : Mr.N.S.Karthikeyan

For R1 to R4 : Mr.R.Ramasamy, Counsel for State

For R5 : Mr.Y.Jagdeesh, Standing Counsel

ORDER

This writ petition has been filed seeking a declaration to declare that the reservation made under the Aruppukkottai South West Extension Part-II Detailed Development Plan D1, in respect of the petitioner's property comprised in T.S.No.11/6, measuring an extent of 54 cents, situated at Aruppukkottai Village, Aruppukkottai Town and Taluk, Virudhunagar District, has lapsed by operation of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 and for consequential directions to the respondents to release the property from the said Detailed Development Plan and make necessary entries regarding such lapse.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. The petitioner claims title over the property comprised in T.S.No. 11/6, measuring an extent of 54 cents, situated at Aruppukkottai Village, Aruppukkottai Town and Taluk, Virudhunagar District. The said property has been included in the Aruppukkottai South West Extension Part-II Detailed Development Plan D1 and reserved for the purpose specified therein. It is the case of the petitioner that though the said Detailed Development Plan was approved long ago, no acquisition proceedings have been initiated by the respondents for acquiring the petitioner's property. The petitioner contends that the continued reservation of the private property without taking any steps for acquisition has resulted in an infringement of the petitioner's right to hold and enjoy the property. Therefore, the petitioner has approached this Court seeking a declaration that the reservation has lapsed by virtue of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 and for consequential reliefs

4. Learned counsel appearing for the petitioner submitted that the reservation of private lands under the Detailed Development Plan cannot continue indefinitely without acquisition. He contended that under Section 37 of the Tamil



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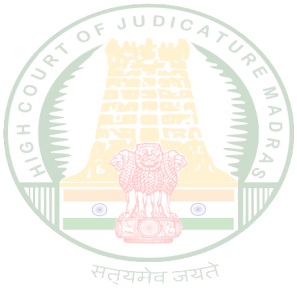
Nadu Town and Country Planning Act, 1971, lands reserved under a development plan are required to be acquired in the manner known to law and in the absence of acquisition within the statutory period, Section 38 automatically comes into operation and the reservation stands released.

5. Learned counsel relied upon various judgments namely, the decision of the Hon'ble Supreme Court in the case of ***Raju S. Jethmalani and others vs. State of Maharashtra and others*** reported in 2005 11 SCC 222 in Civil Appeal Nos.8274 and 8275 of 2003 dated 05.05.2005 as well as decisions of this Court in the following cases :-

i) In W.P.(MD) No.8515 of 2021 dated 25.06.2021 in the case of *Kannapiran vs. The Director of Town and Country Planning, Chennai and another.*

ii) In W.P.No.106 of 2022 dated 07.01.2022 in the case of P. *Rajkumar vs. The Director of Town and Country Planning, Chennai and another.*

iii) W.P.No.30548 of 2025 dated 16.12.2025 in the case of *V.Sukanyadevi vs. The Director of Town and Country Planning, Chennai and 2 others.*



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In view of the above, he prayed for allowing of these writ petitions.

6. . Learned Counsel for the State appearing for the respondents 1 to 4 fairly submitted that the issue involved in the present writ petition is covered by the earlier decisions of this Court.

7. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

8. Admittedly, the petitioner's property comprised in T.S.No.11/6, measuring an extent of 54 cents, situated at Aruppukkottai Village, Aruppukkottai Town and Taluk, Virudhunagar District, has been included in the Aruppukkottai South West Extension Part-II Detailed Development Plan D1. It is also not in dispute that though the property has been reserved under the said Detailed Development Plan, no acquisition proceedings have been initiated by the respondents till date.



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9. The Hon'ble Supreme Court as well as this Court, in a series of decisions, have consistently held that the reservation cannot be allowed to continue indefinitely, as the same would amount to an unreasonable restriction upon the land owner's right to enjoy the property protected under Article 300A of the Constitution of India.

10. In view of the admitted position that no acquisition proceedings have been initiated in respect of the petitioner's property and considering the law laid down by this Court in the case of Commissioner, *Aruppukkottai Municipality Vs. Kamakshi Shetty* reported in 2011 (8) MLJ 437, this Court is of the considered view that the reservation made under the Aruppukkottai South West Extension Part-II Detailed Development Plan D1 has lapsed by operation of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

11. Accordingly, this Writ Petition stands allowed and the reservation made in respect of the petitioner's property comprised in T.S.No.11/6, measuring an extent of 54 cents, situated at Aruppukkottai Village, Aruppukkottai Town and Taluk, Virudhunagar District, under the Aruppukkottai South West Extension



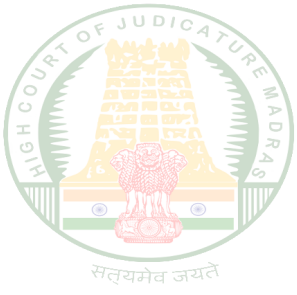
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Part-II Detailed Development Plan D1, is declared to have lapsed by operation of
Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
PKN



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Chennai.
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5. Aruppukottai Municipal Corporation,
Through its Commissioner,
Corporation Office,
Thiruchuli Road,
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M.DHANDAPANI,J.

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**ORDER MADE IN
W.P(MD)No.19609 of 2026**

DATED : 13.07.2026

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