



W.P(MD)No.19696 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.19696 of 2026

M/s.Kula Properties
Rep. by its Proprietor
K.Vikram Kumaraswamy

... Petitioner(s)

VS.

1. The Director,
Town and Country Planning Department,
Chennai.

2. The Assistant Director / Member Secretary,
Local Planning Authority,
Town and Country Planning Authority,
No.166, Balamore Road,
Nagercoil.

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Declaration, directing the respondents to declare the lands comprised in R.S. No.3-30/1 and G/3-30/2A renumbered T.S. No.G-6-274 as lapsed in the master plan vide G.O.Ms. No.213 Housing and Urban



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For Petitioner : Mr.K.R.Kishore Ram

For R1 & R2 : Ms.K.R.Shivashankari, Counsel for State

ORDER

This writ petition has been filed seeking a declaration to declare that lands comprised in R.S. No.3-30/1 and G/3-30/2A renumbered T.S. No.G-6-274 as lapsed in the master plan vide G.O.Ms. No.213 Housing and Urban Development dated 14.10.2008.

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

3. The petitioner entered into a registered lease with M/s.Nagammal Mills Private Limited to an extent of Ac.0.76 cents by way of a registered lease deed dated 13.02.2026. Thereafter, the petitioner made an application to the respondents on 20.03.2026 for planning permission for construction of a



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commercial building and the said application was rejected on the ground that the subject property had been classified as “Public Purpose in the master plan vide G.O.Ms.No.213, Housing and Urban Development dated 14.10.2008. 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.

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



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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.*

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

6. The learned Counsel for the State appearing for the respondents 1 and 2 fairly submitted that the issue involved in the present writ petition is covered by the earlier decisions of this Court.



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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 subject property has been classified as “Public Purpose in the master plan vide G.O.Ms.No.213, Housing and Urban Development dated 14.10.2008. It is also not in dispute that though the property has been reserved under the said Master Plan, no acquisition proceedings have been initiated by the respondents till date.

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 subject property and considering the decision



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rendered by the Apex Court, this Court is of the considered view that the reservation made under the master plan vide G.O.Ms.No.213, Housing and Urban Development dated 14.10.2008 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 subject property comprised in R.S. No.3-30/1 and G/3-30/2A renumbered T.S. No.G-6-274, under the master plan vide G.O.Ms.No. 213, Housing and Urban Development dated 14.10.2008, is declared to have lapsed by operation of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. No costs.

13.07.2026

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



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To

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M.DHANDAPANI,J.

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**ORDER MADE IN
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