



W.P(MD)No.19556 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.19556 of 2026
and
WMP (MD) No.14467 of 2026

Mahalakshmi

... Petitioner(s)

VS.

1. The State of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai.

2. The Director of Town and Cou,
Ntry Planning, Directorate of Town and
Country Planning,
E and C Market Road,
Koyembedu,
Chennai.

3. The Joint Director / Member,
Secretary, Tirunelveli Town and Country
Planning Authority,
Corporation Office Campus,
Tirunelveli.

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4. The Commissioner,
Tirunelveli Corporation,
Tirunelveli District.

... Respondent(s)

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus call for the records pertaining to the impugned order passed by 3rd respondent in Na.Ka.En. 40/2026/ThiLiMa3 dated 20.05.2026 and quash the same as illegal and consequently direct the 3rd respondent to release the land in Survey No. 783/2B present T.S.No. 86/5, T.S.Ward T, Block 3 situated in Tirunelveli Taluk, Tirunelveli District as proposed D12-D12 Scheme road and open space reservation in Detailed Development Plan (DDP) and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr. K.Navaneetharaja

For R1 to R3 : Mr.M.Mahaboob Athiff, Counsel for State
For R4 : Mr.A.Sivanu Pandian, Standing Counsel

ORDER

Assailing the impugned order dated 20.05.2026 passed by the third respondent, the present writ petition has been filed by the petitioner.



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

3. The petitioner claims title over the land comprised in Survey No. 783/2B, presently assigned as T.S. No.86/5, T.S. Ward 'T', Block No.3, situated at Tirunelveli Taluk, Tirunelveli District, measuring an extent of 30 cents, by virtue of a registered sale deed. Patta has also been issued in favour of the petitioner's husband. Thereafter, the petitioner submitted an application before the fourth respondent seeking building plan approval. However, the said application has not been considered favourably on the ground that the subject property falls within the area covered under the Detailed Development Plan (DDP). It is the grievance of the petitioner that the subject land has been reserved under the Detailed Development Plan for the proposed D12-D12 Scheme Road and Open Space Reservation. Though the Detailed Development Plan was approved long ago, no land acquisition proceedings have been initiated in respect of the subject property till date. Nevertheless, by proceedings dated 20.05.2026, the fourth respondent rejected the petitioner's application for building plan approval solely on the



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ground that the property falls within the area earmarked under the Detailed Development Plan. Challenging the said order and seeking consequential relief, the present Writ Petition has been filed.

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 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



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WEB COPY 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. . Learned Counsel for the State appearing for the respondents 1 to 3 fairly submitted that the issue involved in the present writ petition is covered by the earlier decisions of this Court.

7. Admittedly, in the present case, the detailed development plan remains at the stage contemplated under Section 19(1) of the Tamil Nadu Town and Country Planning Act, 1971. Even after the lapse of several years, no proceedings have been initiated for acquisition of the subject land. Section 38 of the Act, contemplates that where any land reserved, allotted or designated for any



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purpose specified in the development plan is not acquired within the prescribed period, such land shall be deemed to be released from such reservation, allotment or designation.

8. 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.

9. In view of the admitted fact that no acquisition proceedings have been initiated till date and the issue is squarely covered by the decisions referred to above, this Court is of the considered view that the reservation made under the respective Detailed Development Plans has lapsed by operation of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

10. Accordingly, this writ petition stands allowed and the impugned



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order dated 20.05.2026 passed by the third respondent is hereby set aside. The reservation made under the Detailed Development Plan for the proposed D12-D12 Scheme Road and Open Space Reservation shall stand lapsed by operation of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. No costs. Consequently, the connected miscellaneous petition is closed.

13.07.2026

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



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M.DHANDAPANI,J.

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**ORDER MADE IN
W.P(MD)No.19556 of 2026**

DATED : 13.07.2026