



W.P(MD)No.21322 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.21322 of 2026

A.Krishnaveni

... Petitioner

Vs

- 1.The Director,
Town and Country Planning,
No.807, Anna Salai, 4th Floor,
Chennai – 600 002.
- 2.The Assistant Director,
Theni District Town and Country Planning Office,
Door No.446/A, Ward-17, Nehruji Street,
Allinagaram,
Theni – 625 531.
Theni District.
- 3.The Member Secretary and Executive Authority
of Cumbum Municipality,
Local Planning Authority,
Cumbum Municipality,
Cumbum – 625 516.
Theni District.



W.P(MD)No.21322 of 2026

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4.The Commissioner,
Cumbum Municipality,
Cumbum – 625 516.
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents herein to release the petitioner's land with an extent of 872 square feet (2 cent) in Survey Nos. 750, 749/4, 751/2, 755/2, Ward-D, Block-25, T.S.No.6/53 situated at Cumbum Village, Uthamapalayam Taluk, Theni District earmarked for “The Detailed Development Plan No.5 of Cumbum Local Planning Authority” by treating the “The Detailed Development Plan No.5 of Cumbum Local Planning Authority” as lapsed as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.M.Karuppasamy Pandian

For Respondents : Mr.M.Mahaboob Athiff (R1 & R2)
Counsel for Government of Tamil Nadu

: Mr.K.Hema Karthikeyan (R3 & R4)

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Mandamus directing the respondents to release the petitioner's land



W.P(MD)No.21322 of 2026

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measuring an extent of 872 square feet (2 cents) comprised in Survey Nos. 750, 749/4, 751/2 and 755/2, Ward-D, Block No.25, T.S. No.6/53, situated at Cumbum Village, Uthamapalayam Taluk, Theni District, from the reservation made under Detailed Development Plan No.5 of the Cumbum Local Planning Authority, by declaring that the said reservation has lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2.The learned counsel appearing for the petitioner submitted that the petitioner's property was reserved under Detailed Development Plan No. 5 of the Cumbum Local Planning Authority. However, despite the lapse of the statutory period prescribed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, no steps have been taken by the respondents to acquire the subject property. Consequently, the reservation made under the Detailed Development Plan has lapsed by operation of law. It is further submitted that, notwithstanding the statutory lapse, the respondents have failed to release the petitioner's land from the reservation.



W.P(MD)No.21322 of 2026

WEB COPY

Hence, the petitioner has approached this Court by filing the present Writ Petition.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.It is not in dispute that the petitioner's property was reserved under Detailed Development Plan No.5 of the Cumbum Local Planning Authority. It is also not in dispute that no proceedings have been initiated for acquisition of the subject property within the period contemplated under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. Therefore, the reservation made under the Detailed Development Plan has lapsed by operation of law. Consequently, the petitioner is entitled to have the property released from such reservation.



W.P(MD)No.21322 of 2026

WEB COPY

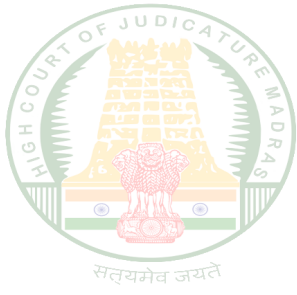
5. Accordingly, this Writ Petition is allowed. The respondents are directed to treat the reservation made in respect of the petitioner's land measuring 872 square feet (2 cents), comprised in Survey Nos.750, 749/4, 751/2 and 755/2, Ward-D, Block No.25, T.S. No.6/53, situated at Cumbum Village, Uthamapalayam Taluk, Theni District, under Detailed Development Plan No.5 of the Cumbum Local Planning Authority, as having lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, and consequently release the said property from such reservation by carrying out the necessary consequential entries in the relevant records, if not already done, within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

28.07.2026

NCC : Yes / No

Index : Yes / No

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W.P(MD)No.21322 of 2026

M.DHANDAPANI, J.

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W.P(MD)No.21322 of 2026

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