



W.P.(MD).No.27514 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 18.11.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.27514 of 2024**

M.Manikandan

... Petitioner

Vs

1. The Director,  
Town and Country Planning, No.807,  
Annasalai, Chennai - 600 002.

2. The Deputy Director of Town and Country Planning,  
446A, Ward No.17, Nehruji Street,  
Allinagaram, Theni – 625 531.

3. The Member Secretary,  
Local Planning Authority,  
Cumbum Municipality,  
Cumbum - 625 516,  
Theni District.

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

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents herein to release the petitioner's land with an extent of 436 square feet in T.S.No. 6/29,



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Old T.S.No.6/4, Survey Ward D, Block - 25 situated at Uthamapuram Village, Cumbum Town, Theni District earmarked for the Detailed Development Plan No.5 of Cumbum Local Planning Authority by treating 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.Karuppasamypandian

For Respondents : Mr.T.Amjadkhan (R1,R2)  
Government Advocate

Mr.K.Hema Karthikeyan (R3,R4)  
Standing Counsel

### **ORDER**

The present writ petition has been filed seeking a direction to the respondents to release the petitioner's land with an extent of 436 square feet in T.S.No. 6/29, Old T.S.No.6/4, Survey Ward D, Block - 25 situated at Uthamapuram Village, Cumbum Town, Theni District earmarked for the Detailed Development Plan No.5 of Cumbum Local Planning Authority by treating 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.



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2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 and 2 and the learned Standing Counsel appearing for the respondents 3 and 4. Perused the materials on record.

4.The petition mentioned land was shown as earmarked for scheme road in the Detailed Development Plan published in the year 1994. It is beyond dispute that consequential steps for acquisition were not taken within three years thereafter. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 reads as follows:

***“38. Release of land.- If within three years from the date of the publication of the notice in the Tamil Nadu Government Gazette under section 26 or section 27- (a) no declaration as provided in sub-section (2) of section 37 is published in respect of any land reserved, allotted or designated for any purpose specified in a regional plan, master plan, detailed development plan or new town development plan covered by such notice; or***



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*(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.”*

Applying the statutory mandate, it is declared that the petition mentioned reservation is deemed to have lapsed. The relief sought for by the petitioner is granted. The respondent is directed to make necessary changes in the relevant records.

5.This writ petition is allowed accordingly. There shall be no order as to costs.

**18.11.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
**PNM**



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**L.VICTORIA GOWRI, J.**

PNM

**ORDER IN  
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