



WP No. 7607 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2025

CORAM

THE HONOURABLE MR JUSTICE J.SATHYA NARAYANA PRASAD

WP No. 7607 of 2025

1. JAYAMANI

W/o. Late Nataraj, Residing At Jaya
Illam, Chanthakada Agali, Kottathara,
Palakkad District, Kerala- 678 581

2. VIDHYANATHAN

S/o. Late Nataraj, Residing At Jaya
Illam, Chanthakada Agali, Kottathara,
Palakkad District, Kerala- 678 581

3. Mohan Kumar

S/o. Late Nataraj, 5/165,
Aalathukombai, Sadumugai,
Sathyamangalam, Erode- 638 401.

4. RANGANAYAKI

W/o. Late Murugesan, 3/28, Min
Nagar, Coimbatore South,
Kuniamuthur, Coimbatore - 641 008.

5. SURYAPRABHA

D/o. Late Murugesan, 13/8,
Poomachandran Pillai Street,

Page 1 of 12



WP No. 7607 of 2025

WEB COPY
Anamalai, Pollachi, Coimbatore-
642 104.

6. GAYATHRI

D/o. Late Murugesan, 3/28, Min
Nagar, Coimbatore South,
Kuniamuthur, Coimbatore- 641 008.

7. ARUNKUMAR

S/o. Late Murugesan, 3/28, Min
Nagar, Coimbatore South ,
Kuniamuthur, Coimbatore- 641 008.

Petitioner(s)

Vs

1. The Director Of Town And
Country Planning
2, 3 And 4th Floor, B, Cmda Office
Campus, E And C Market Road,
Koyambedu, Chennai- 107.

2.The Member Secretary / Executive
Officer
Coimbatore Local Planning
Authority, Coimbatore, Coimbatore
District.

3.The Commissioner
Coimbatore Corporation, Raja Street,
Town Hall, Coimbatore- 641 001.

Respondent(s)



WP No. 7607 of 2025

WEB CO **PRAYER**

This Writ Petition is filed under Article 226 of Constitution of India praying to declare that the reservation made in respect of the petitioners land comprised in S.No. 134/1C to the extent of 1.75 1/2 acres in Vadavalli Village Coimbatore Taluk under Vadavall Detailed Development Plan No.4 is deemed to be lapsed and released from the reservation in the light of Section 38 of the Tamil Nadu Town and Country Planning act, 1971 (TN Act 1974) and pass.

For Petitioner(s): Mr.V.Anandhamurthy

For Respondent: M/s.P.Aishwarya GA for R1,
R2
Mr.N.Umapathi for R3

ORDER

The petitioners have filed this petition seeking direction to the respondents to declare that the reservation made in respect of the petitioners land comprised in S.No.134/1C to the extent of 1.75 ½ acres in Vadavalli Village, Coimbatore Taluk under Vadavall Detailed Development Plan No.4 is deemed to be lapsed and released from the reservation in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971(TN Act 1974), [hereinafter it is referred as “the Act”].



WP No. 7607 of 2025

WEB COPY

2. The case of the petitioners are that the first petitioner is the wife; the second and third petitioners are the sons of the deceased Nataraj, petitioners 4 to 7 are the legal heirs of the deceased Murugesan, who is the brother of Nataraj. First petitioner's father-in-law, Ramasamy Chettiar, purchased a land in S.No.134 to an extent of 1.75 ½ acres from one Lakshmiammal vide Sale Deed in Doc.NO.1405/1965, dated 04.06.1965 on the file of the Joint Sub Registrar-II, Coimbatore. The said land is situated at Vadavalli Village, Coimbatore Taluk. The revenue records were mutated in his favour and Patta obtained vide Patta No.1806. Ramasamy Chettiar executed a Will dated 03.03.1987 through Doc.No.23/1987 on the file of the Joint Sub-Registrar-II Coimbatore and he died on 16.10.1993, leaving behind the Nataraj, Murugesan and the petitioners as legal heirs. Since then, petitioners are in possession and enjoyment of the said property. The Sub-division has been effected as S.No.134/1C. While that being so, the town planning authorities had earmarked a portion the petitioner's land comprised in S.No.134/1C for the Vadavalli Detailed Development Plan No.4 for the



WP No. 7607 of 2025

WEB COPY

formation of roads, which was notified in the year 1994. The said land was reserved for the formation of the scheme road in the year 1994, the respondents did not initiate any further proceedings to acquire the said land under the Act, within a period of three years. The proposed development plan has been kept by the respondents in cold storage for more than 30 years. Hence, prays for suitable relief.

3. Learned counsel for the petitioners would submit that as per Section 38 of the Act, if a particular land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment, or designation. In the present case, although a portion of the lands was reserved under the detailed development plan in the year 1994, no further proceedings were initiated for acquiring the lands. Therefore, the petitioner's land is deemed to be released from the reservation, and the detailed development plan proposed by the respondent has lapsed in the light of the Section 38 of the Act.



WP No. 7607 of 2025

WEB COPY 4. Learned counsel for the petitioners also relied on Sections 37 and

38 of the Act, to substantiate his case, which reads as follows:

“37. Power to purchase or acquire lands specified in the development plan.~ (1) Where after the publication of the notice in the Tamil Nadu Government Gazette of preparation of a regional plan, master plan, detailed development plan or a new town development plan, as the case may be, any land is required, reserved or designated in such plan, the appropriate planning authority may, either enter into agreement with any person for the acquisition from him by purchase of any land which may be acquired under section 36 or make an application to the Government for acquiring such land under the Land Acquisition Act, 1894 (Central Act I of 1984):

Provided that if the value of such land exceeds fifty thousand rupees the appropriate planning authority shall not enter into such agreement without the previous approval of the Government.

(2) On receipt of an application made under



WEB COPY



WP No. 7607 of 2025

sub~section (1), if the Government are satisfied that the land specified in the application is needed for the public purpose specified therein, they may make a declaration to that effect in the Tamil Nadu Government Gazette, in the manner provided in section 6 of the Land Acquisition Act, 1894 (Central Act I of 1894), in respect of the said land. The declaration so published shall, notwithstanding anything contained in the said Act, be deemed to be a declaration duly made under the said section 6 of the said Act:

Provided that no such declaration in respect of any particular land covered by a notice under section 26 or section 27 shall be made after the expiry of three years from the date of such notice.

(3) On the publication of such declaration, the Collector of the district within whose jurisdiction the land is situate, shall proceed to take order for the acquisition of such land under the said Act; and the provisions of that Act shall, so far as may be, apply to the acquisition of the said land with the modification that the market value of the land shall be the market value prevailing on the



WEB COPY



WP No. 7607 of 2025

date of publication of the notice in the Tamil Nadu Government Gazette under section 26 or section 27, as the case may be.

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

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

5. Learned counsel for the petitioners also relied on a judgment passed by this Court in W.P.No.2958 of 2025 dated 21.02.2025, wherein a similar relief was prayed for and the petitioner therein also obtained the



WP No. 7607 of 2025

WEB COPY

order in his favour. Hence, he prays for suitable relief.

6. Heard learned counsel appearing on either side and perused the materials placed on record.

7. This Court is of the view that the judgement rendered in W.P.No.2958 of 2025 dated 21.02.2025 is squarely applicable to the facts of the present case.

8. In view of the legal provisions as well as the decision rendered by this Court, this Court has no hesitation to hold that the petitioner's land comprised in Survey No.134/1C, to an extent of 1.75 ½ acres in Vadavalli Village, Coimbatore Taluk, shall be deemed to be released from such reservation or allotment or designation under Section 38 of the Act and consequently, the respondents are hereby directed to pass appropriate orders releasing the petitioners land comprised in Survey No.134/1C, to an extent of 1.75 ½ acres in Vadavalli Village, Coimbatore within a period of four



WP No. 7607 of 2025

WEB COPY weeks from the date of receipt of copy this order.

8. In the result, this Writ Petition stands allowed with the above observation and direction. No costs. Consequently, connected miscellaneous petitions are closed.

06-03-2025

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



WP No. 7607 of 2025

WEB COPY

To

1.The Director Of Town And Country
Planning

2, 3 And 4th Floor, B, Cmda Office
Campus, E And C Market Road,
Koyambedu, Chennai- 107.

2.The Member Secretary / Executive
Officer

Coimbatore Local Planning
Authority, Coimbatore, Coimbatore
District.

3.The Commissioner

Coimbatore Corporation, Raja Street,
Town Hall, Coimbatore- 641 001.



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WP No. 7607 of 2025

**J.SATHYA
NARAYANA PRASAD
J.**

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WP No. 7607 of 2025

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