



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

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CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

WP No. 32670 of 2025 & WMP.No.36582 of 2025

1. T.Gowrishankar
S/o.Sadhasivam, No.511, Kudi Street,
Kollapatti, Animoor, Thiruchengode,
Namakkal District, Tamilnadu-637214

Petitioner(s)

Vs

1. The Secretary
Housing Ad Urban Development
Department, Fort St. George, Chennai-
600 015.

2.The Director Of Town And Country
Planning,
2, 3 And 4th Floor, B.Cmda Office
Campus, E And C, Market Road,
Koyambedu, Chennai-600 107.

3.The Deputy Director
Namakkal District Town And Country
Planning Office, Paramathi Road,
Namakkal-637 001.

4.The Member Secretary / Executive
Officer,



Thiruchengode Local Planning
Authority, Thiruchengode, Namakkal
District.

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5.The Commissioner
Town And Country Planning
Department, Thiruchengode
Municipality, No.1, Velur Road, (near
Town Police Station) Tiruchengode-637
211.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of declaration, declaring that the reservation made in respect of the petitioners land comprised in S.F. No204, Ward G, Block 32, T.S.L.R. No.150/1 measuring an extent of 890.56 sq.mts at Kokkarayanpettai Main Road, Tiruchengode, Namakkal District under Thiruchengode Detailed Development Plan 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) against the respondents herein

For Petitioner(s): Mr.S.Karthikei Balan

For Respondent(s): Mrs.C.Meera Arumugam, Agp
For R1 To R3 Dr.T.Seenivasan,
Sgp For R4 And R5

ORDER

(1)Mrs.C.Meera Arumugam, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 3. Dr.T.Seenivasan, learned Special Government Pleader accepts notice on behalf of the respondents 4 and 5.



With the consent of both the learned counsels, the main writ petition is taken up for final disposal at the admission stage itself.

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(2)The writ petition is filed for a declaration, declaring that the reservation made in respect of the petitioners land comprised in S.F. No.204, Ward G, Block 32, T.S.L.R. No.150/1, measuring an extent of 890.56 sq.mts at Kokkarayanpettai Main Road, Tiruchengode, Namakkal District, under Thiruchengode Detailed Development Plan, 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) against the respondents herein.

(3)The petitioner is the owner of the lands in SF.No.204, Ward G, Block 32, T.S.L.R. No.150/1, measuring an extent of 890.56 sq.mts at Kokkarayanpettai Main Road, Tiruchengode, Namakkal District, having acquired the same under the Settlement Deed dated 04.02.2025. According to the petitioner, pursuant to the Settlement Deed, patta was also transferred in his name and he was in peaceful possession and enjoyment of the said land. The petitioner states that while so, on 19.06.2025, the petitioner submitted an application for



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Building Plan Permit. However, the 5th respondent, by a return letter dated 26.07.2025, refused approval on the ground that the land fell under the

Tiruchengode Detailed Development Plan No.6 and has been reserved for public purpose. According to the petitioner, the Detailed Development Plan proposing a scheme, was dropped as early as in the year 2014 and even otherwise, the respondents never initiated acquisition proceedings under Chapter IV of the Town and Country Planning Act, 1971, for more than two and half decades and hence, the scheme is deemed to have lapsed under Section 38 of the Town and Country Planning Act, 1971. The petitioner further submits that in similar matters in WP.Nos.17983 & 35433/2023, this Court , vide orders dated 20.06.2023 and 08.04.2023, recommended for release of lands and directed to drop such reservations since no development had taken place. Under the circumstances, the petitioner left with no other remedy, filed the above writ petition for the aforesaid relief.

(4)The learned counsel for the petitioner submitted that the only ground for rejection of the petitioner's application seeking Building Plan approval was that the subject lands were covered by the Tiruchengode Detailed



Development Plan No.6 and the land had been reserved for public purpose.

Learned counsel for the petitioner submitted that the Detailed Development Plan proposing a scheme for laying road and park was dropped as early as in the year 2014, the scheme is deemed to have lapsed under Section 38 of the Town and Country Planning Act, as no acquisition proceedings were initiated as contemplated under the Act. The learned counsel therefore prayed that the declaration sought for in the writ petition, may be ordered.

(5) Learned Additional Government Pleader appearing for the respondents fairly submitted that the Detailed Development Plan proposing the scheme has lapsed.

(6) Heard both sides and perused the materials placed on record.

(7) In view of the submission of the learned Additional Government Pleader appearing for the respondents that the scheme has lapsed, **the writ petition is allowed declaring that the reservation made in respect of the petitioner's land comprised in S.F. No.204, Ward G, Block 32, T.S.L.R. No.150/1 measuring an extent of 890.56 sq.mts at Kokkarayanpettai Main Road, Tiruchengode, Namakkal District, as lapsed, with a direction to the**



respondents to release the petitioner's aforesaid lands from reservation.

(8) Since this Court has declared that the reservation made in the Detailed

Development Plan in respect of the petitioner's lands as lapsed, **a direction is**

issued to the respondents 2 and 3 to consider petitioner's application for

Building Plan approval and pass orders on the petitioner's

representation dated 19.06.2025, on merits and in accordance with law,

within a period of six weeks from the date of receipt of a copy of this

order. No costs. Consequently, connected miscellaneous petition is closed.

28-08-2025

AP

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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N.MALA J.

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