



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 34763 of 2025

1. S.Babu

Petitioner(s)

Vs

1. The Secretary

Housing And Urban Development Department, Fort St.
George Chennai 05

2.The Director Of Town And Country Planning

Office Of The Directorate Of Town And Country
Planning , 2nd, 3rd And 4th Floor , C And E Market
Koyambedu Chennai 107

3.The Member Secretary

Tiruppur Local Planning Authority, District Town And
Country Planning Authority, 1st Floor Kumaran
Commercial Complex Tiruppur 641 602

4.The Deputy Director

District Town And Country Planning Authority, 1st
Floor Kumaran Commercial Complex Tiruppur 641 601

5.The Commissioner

Tiruppur City Municipal Corporation,
Tiruppur District

Respondent(s)



PRAAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration to declare that the reservation made in respect of formation of 15 meter road- E1 in the land totally measuring 1526 square meters comprising of 62 square meters in T.s No. 21 of Block No. 51, 22 square meters in TS No. 22 of Block No. 51, 87 square meters in TS No. 23 of Block No.51 and 1355 square meter in TS No. 1 of Block No. 50 all situated in Ward G of Thottipalayam Village, Tiruppur North taluk, Tiruppur disrict and forming part of Tiruppur Local planing area Map No. 2 Detailed Development plan No. 5 Part II Approved under Section 29 of the Tamil Nadu Town and Country planning Act 1971 to have lapsed in view of Section 38 of the Tamil Nadu Town and Country Planning Act 1971.

For Petitioner(s): P.S.Prabu

For Respondent(s): Mr.L.S.M.Hasan Faizal, Agp
Takes Notice For R1 To R4
Mr.Abishek Moorthy Takes
Notice For R5

ORDER

The petitioner is the owner of a land measuring 1526 sq.mts, comprising of 62 sq.mts, in T.S.No.21 of Block No.51, 22 sq.mts in T.S.No.22 of Block No.51, 87 sq.mts in T.S.No.23 of Block No.51 and 1355 sq.mts in T.S.No.1 of Block No.50, all situated in Ward G of Thottipalayam Village, Tiruppur North Taluk, Tiruppur District. The petitioner obtained title over the said property by way of a sale deed dated 30.07.2025, registered as Document No.7117 of 2025, in the office of the Sub-Registrar, Joint I, Tiruppur.



2. The area of purchase was a subject matter of Tirupur Local Planning Area in Map No.2, Detailed Development Plan No.5 Part II and a 15 Meter Scheme Road – E1 has been proposed in the above said land in the said Detailed Development Plan. The Detailed Development Plan came into operation during the year 2005. The lands of the petitioner, which were reserved for formation of the Scheme Road, has also not been acquired till date under Section 37 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act, 1971'). The petitioner alleges that no acquisition, either under the Land Acquisition Act, 1894 or under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, was initiated by the respondents. It is submitted by the petitioner that after a lapse of 20 years, no steps have been taken by the authorities to implement the same. Hence, relying upon Section 38 of the Act, 1971, the petitioner seeks for a declaration that the lands are deemed to have been released from the public purpose contemplated under Section 36 of the Act, 1971.



3. When the matter came up for admission, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, took notice for the respondents 1 to 4. On instructions, he reports that pursuant to the notification of the Modified Master Plan in 2008, no steps have been initiated to acquire the land.

4. Once a notification is issued under Section 36 of the Act, 1971, then the Town and Country Planning Act deems the area reserved as being required for public purpose. Under Section 37 of the Act, 1971, the local planning authorities have a period of three years, to either negotiate and purchase the property, or resort to compulsory acquisition and take over the title of the same. In case, the resort to Section 37 of the Act is not adopted within a period of three years, then the reservation, by virtue of Section 38 of the Act, 1971, is deemed to have lapsed and the property stands released from such reservation.

5. As Mr.L.S.M.Hasan Fizal states that, since no acquisition proceedings have taken place, Section 38 of the Act, 1971 automatically applies, as three years period had lapsed as early as 2011. Consequently, it is declared that the reservation made over the petitioner's property for scheme Road E1 is deemed



to have lapsed.

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6. In view of the above, the writ petition stands ordered. No costs.

05-11-2025

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Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

To

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