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W.P.No.34745 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.34745 of 2025

K.N.Gayathridevi

.. Petitioner

VS

1. The Director of Town & Country Planning,
2nd, 3rd and 4th Floor, C & E Market Road,
Koyambedu, Chennai – 600 107.
2. The District Collector,
Tiruppur District,
Tiruppur.
3. The Member Secretary,
Local Planning Authority,
Tiruppur.
4. The Commissioner,
Tiruppur City Municipal Corporation,
Mangalam Road, Tiruppur – 641 604.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 4th respondent to reconsider the petitioner's online application dated 30.12.2024 for grant of building permission without insisting the petitioner to upload the Query No.13 of the 4th respondent's communication dated 14.02.2025



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and the proposed earmarked Road deletion order in the proposed site comprised in T.S.No.137/9, now T.S.No.21/1, Block No.154, Ward-H, Thottipalayam Village, Tiruppur Taluk, within the limit of Tiruppur Corporation within a time framed fixed by this Court.

For Petitioner : Mr.V.R.Kamalanathan
for Mr.K.Ramesh Kumar

For Respondents : Mr.M.Suresh Kumar
Additional Advocate General
assisted by Mr.M.Shajahan
Special Government Pleader
for R1 to R3
Mr.Abishek Murthy
for R4

ORDER

I heard Mr.V.R.Kamalanathan for the petitioner, Mr.M.Suresh Kumar, Additional Advocate General assisted by Mr.M.Shajahan, Special Government Pleader for respondents 1 to 3 and Mr.Abishek Murthy for the fourth respondent.

2. The petitioner's father, one, Nanda Gopal had acquired a vacant land to an extent of 0.51.35 acres in Muthusamy Street Extn, Ward-K, Block No.27 of Thottipalayam Village, Tiruppur Taluk and District, by way of a registered sale deed dated 21.12.2020. He had executed a



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settlement deed in favour of the petitioner on 30.07.2024. The petitioner took possession of the property pursuant to the settlement deed. Few months after execution of the document in her favour, the petitioner proposed to put up a construction over the said land. She made a plan ready and sent it for approval to the Local Planning Authority - the fourth respondent herein.

3. After scrutinizing the same, the Local Planning Authority returned the document stating that a portion of the property over which the petitioner claims title, is covered by Tiruppur Detailed Development Plan No.5 and had been reserved as a "Park" area. They pointed out that the Detailed Development Plan (hereinafter referred to as DD Plan) had been issued in the year 2005 and hence, it is not possible to comply with the request of the writ petitioner. Yet again, by an order dated 14.02.2025, the fourth respondent informed the petitioner that unless and until the area reserved in the DD Plan is deleted, it will not be in a position to process the application made by the writ petitioner.

4. Apart from the ground of reservation so made, the fourth respondent informed that there are 12 other compliances which the



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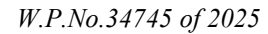
petitioner would have to rectify before the plan is taken for approval.

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5. The petitioner, aggrieved by Clause Nos.11 and 13 of the communication sent by the 4th respondent is before this Court.

6. Mr.V.R.Kamalanathan pleads that the Local Planning Authority did not invoke the provisions of Land Acquisition Act, 1894, or the present legislation viz., The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and therefore, the land is deemed to have been released under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

7. Mr.M.Suresh Kumar, referring to the counter affidavit filed by the third respondent, pleads that the land which belongs to the petitioner, has been earmarked under the DD Plan for the purpose of connecting two roads. He points out that the road designated as A4A4 road is essential for completing the circulation pattern, even though, it ends at the dead end of the petitioner's property. He points out that the petitioner has not made any application to the third respondent seeking deletion or variation of the approved DD Plan and hence, he pleads for dismissal of



8. Mr. Abishek Murthy, for the fourth respondent states that according to the instructions received by him, till date, the lands have not been acquired, either under the Land Acquisition Act, 1894, or under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

10. A Town Planning Authority is entitled under Section 36 of the Tamil Nadu Town and Country Planning Act, 1971 to reserve or designate certain lands in the Regional Plan, Master Plan, Detailed Development Plan or New Development Plan. By virtue of Section 36 of the Act, such reservation is deemed to be for "public purpose".

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owner for the purchase of the land so earmarked, or in failure of such agreement, to acquire the land under the acquisition legislations. A period of three years is granted to the Local Planning Authority to enforce this right under Section 38 of the Act. In case, the land is not purchased or acquired as contemplated under Section 37 of the Act, the reservation is deemed to have lapsed. Hence, the plea that the petitioner would have to file a formal application for carrying out deletions is absolutely untenable. When the statute declares that the reservation lapses at the end of three years from the date of notification of the DD Plan, the petitioner need not run behind the Local Planning Authority for its deletion. An option is given to the Local Planning Authority to acquire the lands so reserved under Section 36 of the Act, and if they failed do so, Section 38 of the Act kicks in and reservation automatically lapses.

12. I need not reinvent the wheel, as this position has already been settled by the Supreme Court in ***Raju S.Jethmalani and Ors. Vs. State of Maharashtra and Ors. (2005) 11 SCC 222*** . Hence, the requirement sought for under Clause Nos.11 and 13 of the order dated 14.02.2025, cannot be sustained. Accordingly, those two clauses alone are quashed.



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The petitioner will have to now comply with the other conditions that have been imposed by the order dated 14.02.2025, in order to get planning permission to put up a construction.

13. The petitioner shall re-submit an application as stated by Mr.V.R.Kamalanathan, within a period of two weeks from today, and as stated by Mr.M.Suresh Kumar, it shall be processed within a period six weeks.

14. The Writ Petition stands allowed with the recording of the statements made in the preceding paragraphs. There shall be no order as to costs.

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Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

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V. LAKSHMINARAYANAN, J.

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