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W.P.No.39085 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2025

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THE HON'BLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.39085 of 2025

Rohithkumar

.... Petitioner

Vs

1.The Principal Secretary
Housing and Urban Development Department
St.George Fort, Secretariat
Chennai – 600 009.

2.The Director
Directorate of Town and Country Planning
2nd, 3rd & 4th Floor, C & E Market Road
Koyambedu, Chennai – 600 107.

3.The Assistant Director
Town and Country Planning
District Collector Office Campus
Thiruvarur – 610 004.

4.The Member Secretary
Local Planning Authority Office
District Collector Office Campus
Thiruvarur – 610 004.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents 1 to 4 to



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release the petitioner's land with total extent of 7 acres 9 cents situated in Town Survey No.23/1B, 23/3, 23/4A, 23/4B, 24/1A, 24/1B, 24/1C, 24/3, 24/4 and 24/5, Perumpugalur Village, Nannilam Taluk, Thiruvarur District by treating the “Thiruvarur Master Plan of 100 feet ring road” as lapsed under Section 38 of Tamil Nadu Town and Country Planning Act 1971, within a stipulated time that may be fixed by this Court and pass orders.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr. M.Shahjahan
Special Government Pleader

ORDER

The petitioner had purchased the properties situated in Survey Nos. 23/1B, 23/3 and 23/4A, Perumpugalur Village, Nannilam Taluk, Thiruvarur District, from one Jaikumar Christhurajan. The sale was registered in Doc.No.1988 of 2025 on the file of Sub Registrar at Thiruvarur, on 04.04.2025. Thereafter, the petitioner had purchased the adjacent land in Survey No.23/4B of the same village from one Leema, on the very same date. This document is registered as Doc.No.1980 of 2025. A third purchase was made by him from his first vendor, Mr.Jaikumar Christhurajan, for the property situated in Sy.No.24/1A, 24/1B, 24/1C, 24/3, 24/4 and 24/5 of Perumpugalur Village. This document was registered as Doc.No.1986 of



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2. The petitioner approached respondents 3 and 4 for the purpose of regularising and obtaining approval to proceed further with its development. At this stage, he was informed by the respondents that the land situated in Survey Nos. in 23/1B, 23/3, 23/4A, 23/4B, 24/1A, 24/1B, 24/1C, 24/3, 24/4 and 24/5 have been earmarked for 100 ft. ring road under Development Plan for Thiruvarur. On verification, the petitioner came to know that the Master Plan was gazetted on 21.04.2005. As no further steps had been taken under Section 37 of the Tamil Nadu Town and Country Planning Act, the petitioner is before this Court, seeking the aforesaid relief.

3. As the area of dispute is in a very narrow compass, I requested Mr.M.Shahjahan, learned Special Government Pleader to take notice on behalf of the respondents and place instructions before this Court.

4. When the matter was called today, Mr.M.Shahjahan produced the instructions received from the third respondent, the Assistant Director, District Town and Country Planning Office, Thiruvarur. Paragraph No.9 of



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the instructions states that the area had been earmarked for the formation of 100 ft., ring road, in order to cater to the needs of the persons belonging to the economically weaker sections, and that certain individuals have also come forward to hand over certain portions of the land for the formation of ring road, so as to enable development of the Town in a proper and good manner. It also reveals that neither the Government of Tamil Nadu nor the Thiruvarur Local Planning Authority, took any steps to acquire the lands pursuant to the notification issued by the Government on 21.04.2005. The instructions also call upon the petitioner to comply with the online requirements to enable the third respondent to make recommendations to the Director of Town and Country Planning, Chennai, for the release of the land.

5. I have carefully considered the arguments on either side and I have gone through the records.

6. In terms of Section 36 of the Town and Country Planning Act, 1971, a Town Planning Authority is entitled to reserve certain portions of land for the development of Town covered under the same. If such a notification is issued by virtue of that section, the area reserved is deemed to be for the



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public purpose of acquisition of lands. By a mere fact of issuance of development plan, the property does not automatically vest with the local body or with the Government.

7. After notification of lands reserved under Section 36, under Section 37, the authority can either negotiate with the owner and acquire title or resort to compulsory acquisition and take over title of the property. The statute grants three years time to the Government to do the needful. In case, the acquisition or negotiation is not completed within the period of three years under Section 38 of the Act, the reservation is deemed to lapse.

8. The instructions given to the learned Special Government Pleader by the third respondent calls upon the petitioner to apply for the release of land. Such a procedure is unknown to the Town and Country Planning Act. When the legislature has declared that the reservation is deemed to lapse, there is no power vested in the Town and Country Planning Authority to seek for an application to release the land, and thereafter, passes an order of release. On the expiry of three years, the land is automatically released from the clutches of reservation so made. That being the position of law, the writ petition



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succeeds and the property covered under No.23/1B, 23/3, 23/4A, 23/4B, 24/1A, 24/1B, 24/1C, 24/3, 24/4 and 24/5, Perumpugalur Village, Nannilam Taluk, Thiruvarur District, is deemed to have been released from the Master Plan of the Thiruvarur Town, published on 21.04.2025.

9. Accordingly, the writ petition stands allowed. No 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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