



WEB COPY



W.P. No. 41326 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM

THE HON'BLE Mr. JUSTICE V.LAKSHMINARAYANAN

W.P. No. 41326 of 2025

M.Raju

...Petitioner

Vs.

- 1.The Government of Tamilnadu
Rep. By Secretary to the Government
Housing and Urban Development
Fort St. George, Chennai-600009.
- 2.The Director of Town and Country Planning
Office of the Director of Town and Country Plannin
Second, Third and Fourth Floor
E & C Market Road, Koyambedu
Chennai-600 107.
- 3.The Assistant Director
District Town and Country Planning Office
Namakkal, Namakkal District – 637 005.
- 4.Rasipuram Local Planning Authority
Represented by its Member Secretary
Rasipuram.

...Respondents

Prayer : This writ petition has been filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to consider and act upon the petitioner's representation dated 06.05.2025, and consequently take necessary steps to release the petitioner's land situated in S.F.



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No. 63/5 (Old S.F. No. 299/1), extent of 10235 sq. metres (2.529 acres) from reservation under the *Thanthai Periyar Detailed Development Plan*, in accordance with Section 37 and 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner(s) : Mr.T.Goutham, SC
for M/s.S.Karpagapriya

For Respondent(s) : Mrs.C.Meera Arumugham, AGP

ORDER

Heard Mr.Goutham, learned Senior Counsel appearing for Mr.S.Karpagapriya, learned counsel for the petitioner and Mrs.C.Meera Arumugham, learned Additional Government Pleader for the respondents.

2. Bereft of unnecessary details, this case relates to a notification that had been issued under the provisions of the Tamil Nadu Town and Country Planning Act for Rasipuram Municipality. The petitioner, who is the owner of the property, has filed this Writ Petition seeking for a declaration to the effect that the lands are deemed to be released by virtue of Section 38 of the Town and Country Planning Act.

3. The petitioner's land was reserved by the Rasipuram Local Planning Authority under the *Thanthai Periyar Detailed Development Plan*. The



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resolution passed by the 4th respondent was accepted and the notification was issued by the Government under the Town and Country Planning Act vide G.O.Ms. No. 223 dated 13.10.2010. Despite the notification, further steps had not been initiated by any of the respondents to acquire the land. Though 15 years have passed, since the publication of development plan the respondents are alleging that the reservation still continues. Hence, the petitioner has come forward with this writ petition.

3. On a pointed query to Mrs.C.Meera Arumugham, she submitted that no steps have been taken by the respondents to acquire the land, either by negotiations or by acquisition, as contemplated under Section 38 of the Tamil Nadu Town and Country Planning Act.

4. The notification had been published on 13.10.2010. The period of 3 years lapses on 12.10.2013. Within the time period, the respondents ought to have acquired the land under the modes specified under Section 37 of the Tamil Nadu Town and Country Planning Act. If no such acquisition is made by virtue of Section 38, the lands are deemed to have been released.

5. By an application of Section 38, to the facts of the case, the lands of



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the petitioner are deemed to have been released from the reservation made

under the detailed development plan for Rasipuram Town.

6. This writ petition is allowed. No costs.

10.11.2025

Index : Yes/No

Internet: Yes/No

Speaking or Non-speaking order

Maya

To

- 1.The Government of Tamilnadu
Rep. By Secretary to the Government
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V.LAKSHMINARAYANAN, J.

Maya

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