



WEB COPY

WP No. 41910 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 41910 of 2025

1. P.Mathiyarasu
S/o.Palanisamy, Old Door No.18C/2,
New Door No.59, S.V.A. Extension Street No.1,
Thiruchengode Town And Taluk,
Namakkal District- 637 211.
2. C.Muthusamy
S/o.Chinnathambi, No.7D/1, Velalar Colony 2,
Suriyampalayam, Thiruchengode Town And
Taluk, Namakkal District- 637 209.
3. N.Palanivelu, S/o.Nagamalai, No.4/78C,
Mampalayam, Devanankurichi, Thiruchengode
Taluk, Namakkal District- 637 209.
4. C.Sekaran
S/o.Chinnusamy, No.2/175, Palikadu,
Pallipalayam Main Road, Thokkavadi Village,
Thiruchengode Taluk, Namakkal- 637 215.
5. R.Saravanan, S/o.Rathinasabapathy, No.4/73b,
Kudi Stret, Sirumolasi, Thiruchengode Taluk,
Namakkal District- 637209.
6. S.S.Rajendiran, S/o.Senguttuvel, No.6/28,
Srinivasampalayam, Karuveppampatti Village
And Post, Thiruchengode Taluk,
Namakkal District- 637 304.

..Petitioners

Vs



1. The Secretary To Government
Housing And Urban Development Department,
Secretariat, Chennai-09.
2. The Director of Town And Country Planning
2nd, 3rd and 4th Floor, C and E Market Road,
Koyambedu, Chennai- 107.
3. The Deputy Director
Namakkal District Town And Country Planning
Office, Paramathi Road, Namakkal-637 001.
4. Member Secretary
Thiruchengode Local Planing Authority,
Thiruchengode Town,
Namakkal District- 637 211.
5. The Commissioner
Thiruchengode Municipality, No.1,
Velur Road, Near Town Police Station,
Thiruchengode Town,
Namakkal District-637 211.

..Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Declaration to declare that the reservation made for the proposed 100 feet Road in respect of the petitioner's land situated at ward G, Block No.37, Thiruchengode Town, Comprised in T.S.No.4/2, has lapsed in terms of section 38 of the Tamil Nadu Town and Country Planning Act, 1971, and consequently to direct the respondents to issue appropriate orders releasing the Petitioners' property, which forms part of 'Modified Master Plan for Thiruchengode local planning area', approved by



the Housing and Urban Department vide G.O.Ms. No.40, dated 27.02.2008, within such time as may be fixed by this Hon'ble Court.

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For Petitioners: Mr. Senthil S

For Respondent: Mrs. C.Meera Arumugham, AGP

ORDER

The petitioners are the owners of the land situated in T.S.No.4, S.No.311/3B, Tiruchengode village and town comprised in Ward no. G, Block no.37 to an extent of 41 cents. The petitioners had purchased the property from one P.Madheswaran and his children by way of a registered document on 09.12.2022.

2. The area of purchase was a subject matter of reservation for a road under the 'Master Plan for Tiruchengode Town'. To that effect, the reservation was made in terms of Section 36 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'the Act, 1971') by way of G.O.Ms.No.40, Housing and Urban Development (UD-4) Department, dated 27.02.2008. The petitioners allege that no acquisition either under the Land Acquisition Act, 1894 or the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 was initiated by



the respondents. Hence, relying upon Section 38 of the Act, 1971, they seek 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, Mrs. C.Meera Arumugham, learned Additional Government Pleader, took notice for the respondents. On instructions, she reports that pursuant to the notification of the Modified Master Plan in 2008, no further steps have been initiated to acquire the land.

4. Once the 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 Mrs.C.Meera Arumugham states that, 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 petitioners' property for 100 feet road is deemed to have lapsed.

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

05-11-2025

Index : Yes/No

(2/2)

Internet : Yes/No

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To

1.The Secretary To Government

Housing And Urban Development Department, Secretariat, Chennai-09.

2.The Director of Town And Country Planning

2nd, 3rd and 4th Floor, C and E Market Road, Koyambedu, Chennai- 107.

3.The Deputy Director

Namakkal District Town And Country Planning Office, Paramathi Road,
Namakkal-637 001.

V.LAKSHMINARAYANAN, J.

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4.Member Secretary

Thiruchengode Local Planing Authority, Thiruchengode Town,
Namakkal District- 637 211.

5.The Commissioner

Thiruchengode Municipality, No.1,
Velur Road, Near Town Police Station, Thiruchengode Town,
Namakkal District-637 211.

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