



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 14-11-2025**

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**THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN**

**WP No. 43825 of 2025**

Mr.M.Boobalan

..Petitioner(s)

Vs

1. The Director Of Town And Country Planning,  
Office Of The Directorate Of Town And Country  
Planning, E And C, Market Road, Koyambedu,  
Chennai-600 107.
2. The Assistant Director Of Town And Country  
Planning,  
District Town And Country Planning Office,  
Office Of The District Collector, E Block, 4th  
Floor, Tirupattur, Tirupattur District-635 601.
3. The Member Secretary  
Ambur Local Planning Authority, Ambur  
Municipality, Ambur, Tirupattur District.
4. The Commissioner  
Ambur Municipality, Ambur, Tirupattur  
District.

..Respondent(s)

Prayer: Writ petition filed under Article 226 of Constitution of India seeking a writ of Declaration to declare the proposed formation of scheme road across the petitioners land for a total extent 4.10 acres comprised in T.S.R. No.2/1A for an extent of 3.70 acres (three acres seventy cents) and T.S.R. No.2/1B for an extent of 0.40 acres (40 cents) situated in Ward F, Block 1,



Sanankuppam, Ambur Town in the Ambur Local Planning Authority detailed development Plan No.1, in Map No.4, V.A3 / V.Ma./ Na. U.E.No.25/95 approved by the 1st respondent to have lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning act 1971 (T.N. Act 35/1974) and also as per the decision of this Honourable Madurai Bench Madras High Court made in W.A. (MD) No.485 of 2020 dated 21.07.2020

For Petitioner(s): Mr.K.A.Ravindran

For Respondent(s): Ms.C.Meera Arumugham (For R1 to R3)  
Additional Government Pleader  
Mr.P.Srinivas (For R4)

### **ORDER**

Heard, Mr.K.A.Ravindran, learned counsel for the petitioner, Ms.C.Meera Arumugham, learned Additional Government Pleader, who takes notice for the 1<sup>st</sup> to 3<sup>rd</sup> respondent and Mr.P.Srinivas, learned counsel who takes notice for the 4<sup>th</sup> respondent.

2. The petitioner claims to be the owner of the property situated in T.S.Nos.2/1A and 2/1B, Ward F, Block 1, Sanankuppam, Ambur Town and Taluk, Tirupattur District. The extent of this property is 4.10 acres. The petitioner had purchased the same on 20.08.2025.

3. When the petitioner had approached the 3<sup>rd</sup> and 4<sup>th</sup> respondent for plan sanction and layout approval, he was informed that the area is covered under the Detailed Development Plan No.1 notified for the said area under the Tamil Nadu Town and Country Planning Act, 1971 (Act). On verification, he came to know that the Detailed Development Plan had been approved by the



Directorate of Town and Country Planning, as early as in 1995. His verification also informed him that no further steps, as required under Sections 36 and 37 of the Act, had been initiated by any of the respondents. As the Detailed Development Plan is standing in the way of development of his property, he is before this Court.

4. Mr.K.A.Ravindran, states that in terms of Section 38 of the Act, if the land is not acquired either by negotiation or by compulsory acquisition, the reservation made under the Detailed Development Plan will lapse.

5. Mr.P.Srinivas states pursuant to the Detailed Development Plan, no steps were taken by the Town Planning Authorities to acquire the land as contemplated under Sections 36 and 37 of the Act.

6. Under Section 36 of the Act, if an area is reserved under Section 31 of the Act, it is deemed to be one for public purpose. The State planning authorities are empowered under Section 37 of the Act, either to negotiate and purchase the property for the said purpose, or resort to the compulsory acquisition laws of 1894 or 2013, and acquire the same. If neither of the above said actions have been done, then by virtue of Section 38 of the Act, the reservation is deemed to have lapsed.

7. In the facts of this case, the Detailed Development Plan No.1 was issued in the year 1995. The statutory period of three years has expired atleast



three decades ago. The reservation made under the Detailed Development Plan No.1 of 1995, showing the petitioner's property as a scheme road is deemed to have lapsed. That being the position, the writ petition is ordered. No costs.

**14-11-2025**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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**V.LAKSHMINARAYANAN J.**

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