



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 47610 of 2025

1. Ramesh Chand
S/o. Uttam Chand, No.49/24, Rajaji
Street, Tindivanam-604 001

2.Manak Chand
S/o. Abhay Raj, No.33, Rajaji Street,
Tindivanam-604001

Petitioner(s)

Vs

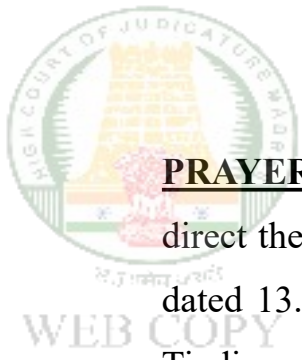
1. The Principal Secretary
Housing And Urban Development
Department, Fort St. George,
Secretariat, Chennai-600009

2.The Director
Town And Country Planning, 807,
Anna Salai, Chennai-600 002

3.The Deputy Director
Town And Country Planning No.26a,
Ground Floor, Tadco Building,
Government Hospital Road,
Villupuram-605 602

4.The Commissioner
Tindivanam Municipality, Tindivanam,
Villupuram District.

Respondent(s)



PRAYER : Writ Petition filed under Article 226 of the Constitution of India to direct the Respondents to consider and dispose of the petitioners representation dated 13.08.2025 seeking release of the petitioners land in Survey No.177/1A Tindivanam Village, Tindivanam Municipality, measuring 5.80 Acres, from reservation under the 80 Feet AA Scheme Road, in the Tindivanam Master Plan within a stipulated time period.

For Petitioner(s): M/s. S.Poovendhan
S. Sankar

For Respondents: Mr.L.S.M.Hasan Fizal,
Additional Government Pleader – R1 to R3

Dr.T.Seenivasan,
Special Government Pleader – R4

ORDER

The petitioner had purchased the property situated in survey No.177/1A of Tindivanam Village, Tindivanam Municipality, Villupuram District by way of two registered sale deeds dated 14.04.2009. When he attempted to develop the property, he came to know that the Town and Country Planning authorities had notified the said property under the Tamilnadu Town and Country Planning Act in terms of the master plan and the property has been reserved for a 80 ft. scheme road. The petitioner states that he gave a representation requesting to release the land. As no Order has been passed, he is before this Court by way of Mandamus.



2. When matter came up for hearing, Mr.L.S.M.Hasan Fizal took notice for the respondents 1 to 3 and Dr.T.Seenivasan, took notice for the fourth respondent and submitted that the property has not been acquired in terms of the Section 37 of the Tamilnadu Town and Country Planning Act.

3. Where a property is reserved for public purpose under the Master Plan or the detailed development plan, it is deemed to be for a public purpose under Section 36 of the Tamilnadu Town and Country Planning Act. Town Planning Authorities are granted three years under section 37 of the Tamilnadu Town and Country Planning Act either to enter into an agreement with any person for purchasing the land so reserved or to make an application to the Government for acquiring the same. In case, either of the options are not preferred by the authorities, Section 38 declares that such property would be deemed to be released from the reservation.

4. In the facts of the case, the reservation seems to be of the year 1994. The petitioner had purchased the property in the year 2009. By the birth of the millennium, the property, being unacquired, is deemed to be released. Hence, as per section 38 of the Tamilnadu Country and Town Planning Act neither the Town Planning authorities nor the first respondent has no authority to pass an Order declaring the property is released from reservation. Though the writ petition has been filed seeking Mandamus to consider the representation of the peti-



tioner, on facts, I find that as the property has not been acquired as required under section 37 of the Tamilnadu Town and Country Planning Act, in view of section 38 of the Tamilnadu Town and Country Planning Act, survey No.177/1A of Tindivanam Village, Tindivanam Municipality measuring to an extent 5.14 acres is deemed to have been released from the purpose of reservation.

5. Accordingly, this Writ Petition is allowed. Consequently, Writ Miscellaneous Petition is closed.

10-12-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
vrc

To

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V.LAKSHMINARAYANAN, J.

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