



W.P(MD)No.713 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.713 of 2025

A.Govindarajan

... 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,
Koyembedu, Chennai – 600 107.

3.The Assistant Director,
District Urban Development Department,
Thanjavur.

4.The Member / Secretary,
Kumbakonam Local Planning Authority,
93/8, Ground Floor,
Bishop Complex, Kamaraj Road,
Kumbakonam – 612 001,
Thanjavur District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to release the petitioner's land in Survey No.215/3 to an extent of 36.50 ares situated at Maththi Revenue Village, Kumbakonam Taluk, Thanjavur District treating the “Annalagraharam Detailed Development Plan No. 2” in the year of 2008 as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 based on the petitioner's representation dated 21.12.2024 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.B.Anandan

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

The prayer in the Writ Petition reads as follows:-

“ To direct the respondents herein to release the petitioner's land in Survey No.215/3 to an extent of 36.50 ares situated at Maththi Revenue Village, Kumbakonam Taluk, Thanjavur District treating the “Annalagraharam Detailed Development Plan No. 2” in the year of 2008 as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 based on the petitioner's representation dated 21.12.2024.”



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2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsels on either sides and carefully perused the entire materials available on record.

4. The case of the petitioner is that the petitioner purchased the petition mentioned property from one Periyasamy and the same was duly registered before the District Registrar Office, Kumbakonam on 04.12.2024. Based on the same, all the revenue records were transferred in the name of the petitioner. Later he came to know that the petition mentioned property has been earmarked under the scheme, namely, “Annalagraharam Detailed Development Plan No.2” in the year 2008. The petitioner submitted a representation to the respondents on 21.12.2024 in this regard but no action has been taken on such representation. Hence, the present writ petition came to be filed.

5. The matter in hand is no more *res integra* and this Court in another case in W.P.(MD)No.20277 of 2024, dated 23.09.2024, has already passed favourable order to the petitioner therein and the relevant portion of the same is extracted as follows:-



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“5. It is relevant to extract Sections 37 and 38 of the Act for easy reference:~

'37.Power to purchase or acquire lands specified in the development plan.~

(1)Where after the publication of the notice in the Tamil Nadu Government Gazette of preparation of a regional plan, master plan, detailed development plan or a new town development plan, as the case may be, any land is required, reserved or designated in such plan, the appropriate planning authority may, either enter into agreement with any person for the acquisition from him by purchase of any land which may be acquired under section 36 or make an application to the Government for acquiring such land under the Land Acquisition Act, 1894 (Central Act I of 1984):

Provided that if the value of such land exceeds fifty thousand rupees the appropriate planning authority shall not enter into such agreement without the previous approval of the Government.

(2) On receipt of an application made under subsection (1), if the Government are satisfied that the land specified in the application is needed for the public purpose specified therein, they may make a declaration to that effect in the Tamil



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Nadu Government Gazette, in the manner provided in section 6 of the Land Acquisition Act, 1894 (Central Act I of 1894), in respect of the said land. The declaration so published shall, notwithstanding anything contained in the said Act, be deemed to be a declaration duly made under the said section 6 of the said Act:

Provided that no such declaration in respect of any particular land covered by a notice under section 26 or section 27 shall be made after the expiry of three years from the date of such notice.

(3) On the publication of such declaration, the Collector of the district within whose jurisdiction the land is situate, shall proceed to take order for the acquisition of such land under the said Act; and the provisions of that Act shall, so far as may be, apply to the acquisition of the said land with the modification that the market value of the land shall be the market value prevailing on the date of publication of the notice in the Tamil Nadu Government Gazette under section 26 or section 27, as the case may be.

38. Release of land.~ If within three years from the date of the publication of the notice in the Tamil Nadu Government Gazette under section 26 or section 27~



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(a) no declaration as provided in sub~section (2) of section 37 is published in respect of any land reserved, allotted or designated for any purpose specified in a regional plan, master plan, detailed development plan or new town development plan covered by such notice; or

(b)such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation.'

6. A perusal of the above Sections make it very clear that within three years from the date of publication of the notice, if no acquisition of land is made in respect of any land reserved, allotted or designated for any purpose specified in a regional plan, master plan, detailed development plan or new town development plan covered by such notice, such land shall be deemed to be released from such reservation, allotment or designation. Though the proviso also enables the Government to issue notification extending the period, till date, no such notification has been issued.”

6. Fully fortified by the aforesaid order, this Court is of the considered view that the land belonging to the petitioner has not been acquired so far, within the mandatory period as required by Sections 37 and 38 of the Tamil Nadu Town and Country Planning Act, 1971. Such



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land shall be deemed to be released from such reservation. The respondents shall release the land of the petitioner, if there is no such notification issued.

7. The Writ Petition is disposed of with the above direction. There shall be no order as to costs.

09.01.2025

NCC : Yes
Index : Yes
Internet : Yes
MGA

To

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