



W.P.(MD).No.2028 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.2028 of 2025

S.Mariamahendran

... Petitioner

-VS-

1. The Director of Town and Country Planning,
Office of Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor,
E and C Market Road, Koyambedu,
Chennai - 600 107.

2. The Member Secretary,
Dindigul Local Planning Authority,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the reservation in respect of petitioner's land situate in Survey Field No. 2759/10, Old Survey No. 2759/1A1 Part, Ward No. 6, Adiyanoothu Part, Balakrishnapuram Part, Dindigul East, Dindigul Town, Dindigul District under the Bodinaickanpatti Detailed Development Plan as having lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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For Petitioner : Ms.Jesima Yashmin
for M/s.Ajmal Associates
For Respondents : Mr.C.Venkateshkumar (R1 & R2)
Special Govt. Pleader

ORDER

Heard both sides.

2. The petition mentioned site was ear-marked as “scheme road” in the Detailed Development Plan published in the year 2005. Consequential acquisition steps were not taken within three years. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, reads as follows:

“ 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-

(a) no acquisition of land 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 or a Land Pooling Area Development Scheme covered by such notice; or

(b) such land is not acquired by agreement, such land shall be deemed to be released from such



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reservation, allotment or designation:

Provided that the Government may, by notification, extend the period for such time as they may think proper, but such extended period shall, in no case, exceed five years.]”

3. Applying the statutory mandate, it is declared that the reservation made in respect of the petition mentioned land stands lapsed and released. The respondents are directed to make consequential changes in the relevant records.

4. Accordingly, the Writ Petition is allowed. No costs.

NCC : Yes/No
Index : Yes / No
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18.03.2025
(1/2)



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VIVEK KUMAR SINGH, J.

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TO:-

1. The Director of Town and Country Planning,
Office of Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor,
E and C Market Road, Koyambedu,
Chennai - 600 107.
2. The Member Secretary,
Dindigul Local Planning Authority,
Dindigul.

Order made in
W.P.(MD)No.2028 of 2025
(1/2)

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18.03.2025