



W.P.(MD)No.6566 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.6566 of 2025

R.Suhasini

... Petitioner

-VS-

1.The Principal Secretary,
Housing and Urban Development Department,
St. George Fort, Secretariat,
Chennai - 600 009.

2.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai - 600 002.

3.The Commissioner,
Aruppukottai Municipality,
Aruppukottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration to declare the reservation made in respect of petitioner's land in Survey No.268/2, T.S.No.1/2, Ward No.F-6, to an extent of 2 acres and 16 cents and Survey No.215/5, T.S.No.134, Ward No.F-11, to an extent of 1 acre 03 cents, situated Aruppukottai Town, Virudhunagar District, as lapsed as per section 38 of Tamil Nadu Town and Country Planning Act and



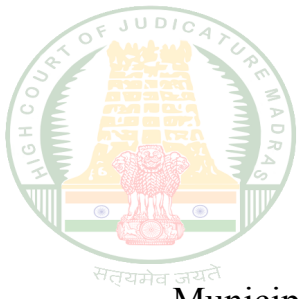
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consequently, to direct the respondents to issue appropriate order to releasing the petitioner's property from the Aruppukottai Municipality Eastern Extension T.P.Scheme Part III and I in light of the Judgment of this Honourable Court in the Commissioner, Aruppukottai Municipality vs. Kamashi Shetty reported in 2011 (8) MLJ 437 and consequently, to direct the respondents to make necessary entry regarding lapse of the Aruppukottai Municipality Eastern Extension T.P. Scheme Part III and I, in respect of the petitioner's land, based on the petitioner's representation dated 12.02.2025, within the stipulated period to be fixed by this Court.

For Petitioner	:	Mr.G.Radhakrishnan
For R1 and R2	:	Mr.K.S.Selvaganesan Additional Government Pleader
For R3	:	Mr.N.Dilip Kumar Standing Counsel

ORDER

This Writ Petition has been filed seeking declaration to declare the reservation made in respect of petitioner's land in Survey No.268/2, T.S.No.1/2, Ward No.F-6, to an extent of 2 acres and 16 cents and Survey No.215/5, T.S.No. 134, Ward No.F-11, to an extent of 1 acre and 3 cents, situated Aruppukottai Town, Virudhunagar District, as lapsed as per section 38 of Tamil Nadu Town and Country Planning Act and consequently, to direct the respondents to issue appropriate order to releasing the petitioner's property from the Aruppukottai



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Municipality Eastern Extension T.P.Scheme Part III and I in light of the judgment of this Court in **the Commissioner, Aruppukottai Municipality vs. Kamashi Shetty** reported in **2011 (8) MLJ 437** and consequently, to direct the respondents to make necessary entry regarding lapse of the Aruppukottai Municipality Eastern Extension T.P. Scheme Part III and I, in respect of the petitioner's land, based on the petitioner's representation dated 12.02.2025.

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

3. The learned counsel for the petitioner submits that the properties in question originally belonged to the petitioner's father-in-law, who later executed a gift deed in favour of the petitioner's daughter. When the petitioner decided to verify the encumbrance on the said properties with the second respondent, she came to know that the third respondent had recommended the laying of a road on these properties as part of the Aruppukottai Municipality Eastern Extension TP Scheme Parts III and I. However, no further action was taken either by the second respondent or by the third respondent. No notice was issued and no acquisition proceedings were initiated. As per Section 38 of the Tamil Nadu Town

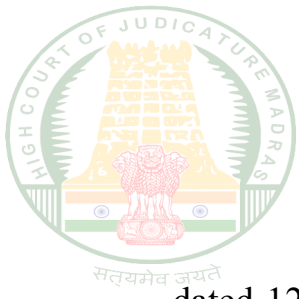


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and Country Planning Act, if a property is reserved for a public purpose and no further action is taken within three years from the date of its reservation, the reservation lapses and the land reserved for the public purpose can be retained by the original owner. This issue was already decided by this Court in the case of **Commissioner, Aruppukottai Municipality vs. Kamashi Shetty** reported in **2011 (8) MLJ 437**. Hence, the petitioner submitted a representation dated 12.02.2025 to the respondents to make the necessary entry regarding the lapse of the Aruppukottai Municipality Eastern Extension T.P. Scheme Parts III and I concerning the petitioner's land. Since no action has been taken, the petitioner has filed the present Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents submits that the representation of the petitioner, dated 12.02.2025 will be considered on merits and appropriate orders will be passed in accordance with law, within a time frame as fixed by this Court.

5. Recording the above submissions, this Writ Petition is disposed of, with a direction to the respondents to consider the representation of the petitioner,



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dated 12.02.2025, on merits and pass appropriate orders in accordance with law, within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents to consider the same on its own merits.

NCC : Yes / No
Index : Yes / No
smn2

12.03.2025

To:-

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