



W.P.(MD).No.6854 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.6854 of 2025

Backiyalakshmi

.. Petitioner

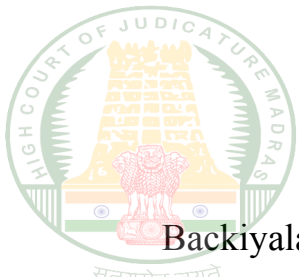
Vs.

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

2.The Member Secretary,
Madurai Local Planning Authority,
Sector-6, Aanaiyur - Mudakkathan Main Road,
Koodalpuhur,
Madurai – 625 017.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents No.1 and 2 to release the petitioner's land measuring of 2603 sq.feet situated in Old Survey No.112/5 and Town Survey No.3/4 in Block No.3, Ward-25, Kochadai Village, Madurai West Taluk, Madurai District treating the “Kochadai Detailed Development Plan No.3 (Map No.4 and 5)” of Madurai Local Planning Area as lapsed under Section 38 of Tamil Nadu Town Country Planning Act 1971 in the light of order passed in



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Backiyalakshmi - Vs - The Director or Town and Country Planning in W.P.
(MD).No.18625 of 2022 dated 17.08.2022.

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For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

This Writ Petition is filed seeking issuance of Mandamus to direct the respondents to release the petitioner's land measuring 2603 sq.feet situated in Old Survey No.112/5 and Town Survey No.3/4 in Block No.3, Ward 25 Kochadai Village, Madurai West Taluk, Madurai District treating the “Kochadai Detailed Development Plan No.3 (Map No.4 and 5)” of Madurai Local Planning Area as lapsed under Section 38 of Tamil Nadu Town Country Planning Act 1971 in the light of order passed in Backiyalakshmi - Vs - The Director or Town and Country Planning in W.P.(MD).No.18625 of 2022 dated 17.08.2022.

2. The petitioner claims that she is the owner of the land situated in Old Survey No.112/5, New T.S.No.3/4 in Block No.3, Ward 25 of Kochadai Village, Madurai West Taluk, Madurai District. She came by the property on account of a “WILL”, that had been executed by one Muthukumar Thevar on 31.10.1984.

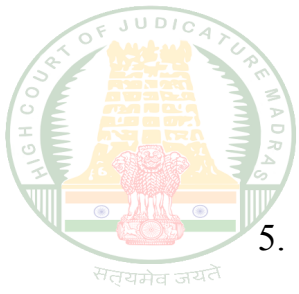


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The “WILL” is a registered one in Document No.233/1984. The extent of property is 71 cents. The respondents 1 and 2 had earmarked the property under “Kochadai Detailed Development Plan No.3 (Map No.4 & 5)”. This reservation by the second respondent was approved by the first respondent under Section 29 of the Town and Country Planning Act on 03.03.2002. A gazette publication to that effect was also made on 19.10.2005.

3. The case of the petitioner is though 20 years have gone by from the date of the gazette notification, no steps were taken within the period of three years to acquire the land in terms of Section 37(2) of the Town and Country Planning Act. She relies upon Section 38 of the said Act to plead if no acquisition is made within the period contemplated under Section 37, then the land is deemed to have been released from the reservation allotment or designation as per the detailed development plan. To that effect, she made a representation on 06.03.2025. As the same was not considered, she has come forward with the present Writ Petition.

4. I heard Mr.R.Karunanidhi for the writ petitioner and Mr.S.Shaji Bino, learned Special Government Pleader for the respondents.



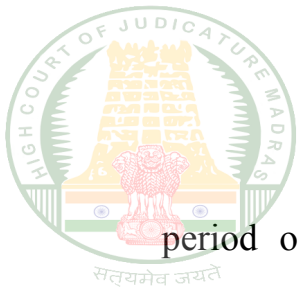
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5. When the matter was taken up for admission, I directed the learned Special Government Pleader to get instructions from the respondents as to whether any progress had been made in terms of Section 38 or if the time had been extended by the Government by invoking the proviso to Section 38 of the Act. Thereafter, I adjourned the matter to today.

6. When the matter is taken up for hearing today, the learned Special Government Pleader reports that despite intimation, the respondents have not given him any instructions so far.

7. The issue raised by Mr.Karunanidhi is, in fact, covered by a judgment of this Court in ***Backiyalakshmi and others Vs. The Director, Directorate of Town and Country Planning, Chennai, W.P.(MD).No.18625 of 2022 dated 17.08.2022***. The learned Single Judge, taking note of the fact no further steps have been taken as required under Section 37 of the Act 35 of 1972, declared that the land is released from reservation. That case also related to Kochadai Detailed Development Plan No.3.

8. In this case too, as no further steps have been taken, pursuant to the reservation made under the Kochadai Detailed Development Plan No.3, for a



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period of more than 20 years, the statutory declaration under Section 38 operates.

9. Accordingly, this Writ Petition is ordered with a declaration that the petitioner's land in Old Survey No.112/5, New T.S.No.3/4 in Block No.3, Ward 25 of Kochadai Village, Madurai West Taluk, Madurai District, stands released by virtue of the statutory mandate under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. There shall be no order as to costs.

19.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

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

2.The Member Secretary,
Madurai Local Planning Authority,
Sector-6, Aanaiyur - Mudakkathan Main Road,
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V.LAKSHMINARAYANAN,J.

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