



W.P.(MD)No.7679 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.7679 of 2025

Malathi

... Petitioner

Vs.

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

2.The Member Secretary,  
Thanjavur Local Planning Authority  
No.5, Ganapathi Nagar 2<sup>nd</sup> Street,  
Medical College Road,  
Thanjavur 613 007.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to release the petitioner's land with an extent of 196.04 sq.meter in Old Survey No.2125 and 2129, Town Survey Number: 2125/1C3 and 2129/2 situated in Ward: 6, Block :42, Kumbakonam Town, Thanjavur District treating the “Kumbakonam Detailed Development Plan Part-4” of



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Thanjavur Local Planning Area as lapsed under Section 38 of the Tamil Nadu Town Country Planning Act 1971 within a stipulate time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanidhi  
For Respondents : Mr.S.Shaji Bino  
Special Government Pleader

### **ORDER**

The petitioner claims to be the owner of the property in Old.S.Nos. 2125 and 2129 and New Town S.Nos.2125 /1C3 and 2129/2 of Ward: 6, Block: 42, Kumbakonam Town, Thanjavur District. The said land was covered under the “Kumbakonam Detailed Development Plan Part-4”. The plan was approved on 10.10.2009, in terms of Section 29 of the Tamil Nadu Town and Country Planning Act, 1971 (hereinafter referred to as 'Act' for brevity). Though the area had been reserved, no action had been taken thereafter to acquire the property, in terms of Section 37 of the Act.

2. The petitioner pleads that 16 years have gone by, as no action has been taken, the land is deemed to have been released by virtue of



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Section 38 of the Act. He gave a representation on 07.03.2025 and as there was no positive response from the respondents, he has come forward with the present writ petition.

3. When a matter came up for admission, Mr.S.Shaji Bino, learned Special Government Pleader, appearing for the respondents, had produced the written instructions of the Assistant Director/ Member Secretary, District Town and Country plan office, at Thanjavur District. In the written instructions, it is stated as follows:

*“.....It is respectfully submitted that the local bodies have failed to take any action to acquire the land allotted for the aforementioned purpose, despite the passage of five years from the date of approval. In accordance with Section 38 of the Town and Country Planning Act, 1971, such land is deemed to have been released...”*

4. This makes it clear that the petitioner's land has not been acquired either under the Land Acquisition Act, 1894, or under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 . Hence, the statutory mandate under Section 38 of the Act operates. Consequently, the



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petitioner will be entitled for a declaration that the land in Old.S.Nos. 2125 and 2129 and New Town S.Nos.2125 /1C3 and 2129/2 of Ward: 6, Block: 42, Kumbakonam Town, Thanjavur District stands released, as the plan had lapsed.

5. With the above direction, this Writ Petition is ordered. No costs.

Index :Yes / No  
NCC :Yes / No  
Rmk

**20.03.2025**

To

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**V. LAKSHMINARAYANAN, J.**

*Rmk*

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