



WP(MD). No.9371 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 21/04/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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Jeya

... Petitioner

v.

1.The Director of Town and Country Planning,
807, Anna Salai, Chennai,
Chennai District.

2.The Assistant Director of Town and Country Planning
Madurai Town and Country Planning Authority,
Madurai, Madurai District. : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, to declare the reservation made in respect of Town Survey No.61, Ward 19, Nlock 24, Maduri North Taluk, Maudrai District, forming part of the Madichiam Detailed Development Plan to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN Act 35 of 1974) and consequently forbear the respondents from treating any development in the said land as an unauthorized construction/development.



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For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

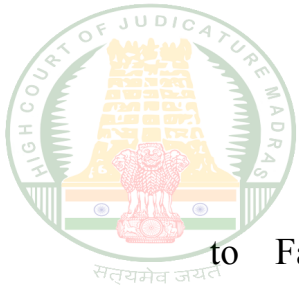
This Writ Petition is filed for issuance of a declaration to declare the reservation made in respect of Town Survey No.61, Ward 19, Nlock 24, Maduri North Taluk, Maudrai District, forming part of the Madichiam Detailed Development Plan to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN Act 35 of 1974) and consequently forbear the respondents from treating any development in the said land as an unauthorized construction/development.

2. The petitioner has purchased the subject property for a valid consideration. However, when the petitioner applied for development of the land in S.No.61, it was informed by the planning authority that the petitioner's land forms part of the Madichiyam Detailed Development Plan of the year 1992 and that therefore, the development by the



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petitioner is not permissible. In the said circumstances, relying upon Sections 37 and 38 of the Tamil Nadu Town and Country Planning Act, 1971, the petitioner has come forward with the above writ petition on the ground that the respondents failed to acquire the land reserved for the purpose under the detailed development plan within the limitation period and hence, they cannot restrain the petitioner to develop the land. This Court has considered the scope of Sections 37 and 38 of the Tamil Nadu Town and Country Planning Act, 1971 in several cases. Even though it is permissible for the planning authorities to reserve a private property for a public purpose in a Detailed Development Plan under the provisions of the Tamil Nadu Town and Country Planning Act, 1971, such reservation cannot continue unless the property shown or earmarked for a public purpose is acquired within a period of five years from the date of publication of the notice either under Section 26 or Section 27 of the Tamil Nadu Town and Country Planning Act, 1971. In this case, the Deputy Director of Town and Country Planning, by his proceedings dated 06.07.2023 has given intimation in unambiguous terms that the land which was reserved earlier about 10 years back has not been acquired by invoking the provisions of the Land Acquisition Act or Right



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to Fair Compensation and Transparency in Land Acquisition,
Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

3. In the said circumstances, this Court finds that the petitioner is entitled to the relief as prayed for. Accordingly, the Writ Petition is allowed and the reservation made in respect of the petitioner's land in S.No.61 is declared as lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. However, liberty is given to the respondents to proceed further in accordance with law in case they require the land for a public purpose. No costs.

[J.N.B.,J]

[S.S.Y.,J]

21.04.2025

NCC : Yes/No

Index : Yes/No

RR

To

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