



W.P.(MD)No.10895 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.10895 of 2025

R.S.Ramraj

... Petitioner

-VS-

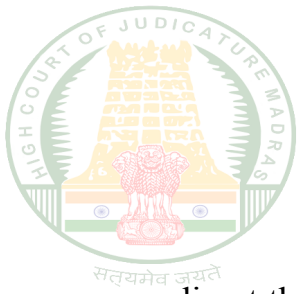
1.The Director of Town and Country Planning,
O/o.Director of Town and Country Planning,
CMDA Office Complex, E and C Market Road,
Srinivasa Nagar, Virugambakkam,
Koyambedu, Chennai.

2.The Member Secretary,
Theni Local Planning Authority,
Theni District.

3.The Bodinayakanur Municipality,
Rep. by its Commissioner, Bodinayakanur,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the reservation in respect of the petitioner's land comprised in S.Nos.801/15, 801/16A, 801/2x and 801/3A, Ward No.4, Bodinayakkanur, Theni District, under the Jackkammaickenpatti Detailed Development Plan to have lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act 1971 (TN Act 35 of 1974) and consequently



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direct the respondents to entertain and grant approval for any development in said land.

For Petitioner : Mr.K.Althaf Sheriff
for M/s.Ajmal Associates

For R1 and R2 : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

Heard the learned counsel appearing for the parties.

2. The petition mentioned land was included in the Detailed Development Plan and published in the official Gazette and the same was approved under Section 29 of the Tamil Nadu Town and Country Planning Act, 1971, by the first respondent in 1999, which was 26 years ago. However, no consequential steps for acquisition have been taken since then. 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 declaration as provided in sub-section (2) of section 37 is published in respect of any land reserved, allotted or designated for any



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purpose specified in a regional plan, master plan, detailed development plan or new town development plan covered by such notice; or

(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation."

3. Applying the aforesaid statutory mandate and in view of the inaction on the part of the respondents, it is declared that the reservation made in respect of the petition mentioned land had lapsed. Therefore, the respondents are directed to effect consequential changes in the relevant records.

4. This Writ Petition is allowed accordingly. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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