



W.P.(MD)No.11125 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.11125 of 2025

and

W.M.P.(MD) No.8296 of 2025

1. Senthilnathan
2. Banumathy
3. Suseela
4. Balaji
5. Narayanan

: Petitioners

Vs.

1. The Principal Secretary,
Housing and Urban Development
Department,
St. George Fort,
Secretariat,
Chennai - 600009.

2. The Director,
Town and Country Planning,
No. 807, Annasalai,
Chennai – 600002.

3. The Member Secretary,
Thanjavur Local Planning Authority,
A-2, 7th Street, Arulananda Nagar,
Thanjavur - 613007.

: Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents No.1 to 3 to release the Petitioners land with an extent of 121.62 cents in Survey Numbers 274/48 situated in Nanjikottai village, Thanjavur Taluk, Thanjavur District earmarked for the Proposed 100 feet ring road in the Thanjavur Master Plan by treating the Proposed 100 feet ring road in the Thanjavur Master Plan as lapsed under Section 38 of the Tamilnadu Town and Country Planning Act, 1971 in the light of the judgment passed in The Principal Secretary Vs Victoria Joseph (W.A.(MD). No. 522 of 2023 dated 26.04.2023 within a stipulate time that may be fixed by this Court.

For Petitioners : Mr.R.Karunanidhi

For Respondents : Mr.K.S.Selva Ganesan

Additional Government Pleader
for R1 to R3

ORDER

The present writ petition has been filed seeking a direction to the respondents to release the petitioners' land with an extent of of 121.62 cents in Survey Numbers 274/48 situated in Nanjikottai village, Thanjavur Taluk, Thanjavur District, earmarked for the Proposed 100 feet ring road in the Thanjavur Master Plan by treating the Proposed 100



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feet ring road in the Thanjavur Master Plan as lapsed under Section 38 of the Tamilnadu Town and Country Planning Act, 1971 in the light of the judgment passed in the Principal Secretary Vs. Victoria Joseph (W.A. (MD). No. 522 of 2023 dated 26.04.2023.

2. Heard, the learned counsel appearing for the petitioners, the learned Additional Government Pleader appearing for the respondents 1 to 3. By consent of both parties and also considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

3. The petition-mentioned land was shown as earmarked for the 'Proposed 100 feet ring road in the Thanjavur Master Plan' published in the year 1995. It is beyond dispute that consequential steps for acquisition were not taken within three years thereafter. 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*



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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 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.”

Applying the statutory mandate, it is declared that the petition mentioned reservation is deemed to have lapsed. The relief sought for by the petitioner is granted. The respondent is directed to make necessary changes in the relevant records.

4. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

25.04.2025

Index : Yes / No

Internet : Yes / No

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VIVEK KUMAR SINGH, J.

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