



W.P.(MD) No.13816 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.08.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.13816 of 2025

Annai Velankanni Education Trust,
Rep. by its Managing Trustee,
Mr.A.Maria Susai,
262, Tiruchendur Road,
Palayamkottai, Tirunelveli District.

... Petitioner

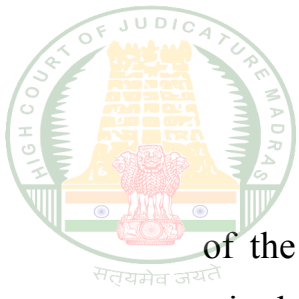
Vs.

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

2.The Assistant Director/Member Secretary,
The District Town and Country Planning Office,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Declaration, to declare the reservation qua the land of the petitioner Trust comprised in T.S.No.726/1, 726/2 (part), 726/3 (part) & 726/4 at Ward 5, T.S.Ward AH, Block No.7, Thennpathu Village, Tirunelveli District under the Town Railway Station Feeder Road Detailed Development Plan, 2019 to have lapsed in the light of Section 38



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of the Tamil Nadu Town and Country Planning Act, 1971 within time stipulated by this Court.

For Petitioner : M/s.H.Jasima Yasmin
for M/s.Ajmal Associates

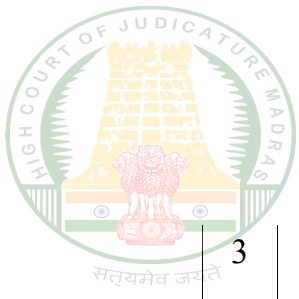
For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Declaration to declare that the reservation in respect of the petitioner Trust's land comprised in T.S.Nos.726/1, 726/2 (part), 726/3 (part) and 726/4, situated at Ward 5, T.S.Ward AH, Block No.7, Thennpattu Village, Tirunelveli District, under the Town Railway Station Feeder Road Detailed Development Plan, 2019, has lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, within the time stipulated by this Court.

2. The petitioner Trust purchased the following lands from the respective parties:

<i>Sl. No.</i>	<i>Date of Purchase</i>	<i>Survey No.</i>	<i>Name of the Seller</i>	<i>Document No.</i>
1	15.11.2022	726/1	Mr.P.Murugesan	5192/2022
2	26.11.2009	726/2	Mrs.Sundari Ammal and others	6560/2009



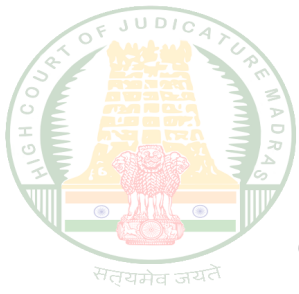
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3	14.12.2007	726/3	Mr.Jeyam @ Sangaravadivu and others	3767/2007
4	31.07.2020	726/4	Mrs.Mariammal	1842/2021

3. It is submitted that since the petitioner Trust intended to put up infrastructure for the school run by it, the petitioner approached the second respondent. At that time, the petitioner was informed that the land comprised in T.S.Nos.726/1, 726/2 (part), 726/3 (part) and 726/4 was reserved for a Scheme Road forming part of the Town Railway Station Feeder Road Detailed Development Plan, 2019.

4. The case of the petitioner is that though the aforesaid plan was published in the Official Gazette and approved under Section 29 of the Tamil Nadu Town and Country Planning Act, 1971 by the first respondent about six years ago, i.e., on 09.04.2019, the land reserved under the said development plan has not been acquired till date and continues to remain in the possession of the petitioner.

5. The learned Additional Government Pleader for the respondents confirms the same.



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6. Therefore, the reservation in respect of the petitioner Trust's land has lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

7. Under similar circumstances, this Court has allowed several Writ Petitions filed by landowners. Taking into account of the fact that no proposal for acquisition of the petitioner's land pursuant to the aforesaid Town Railway Station Feeder Road Detailed Development Plan, 2019, approved under Section 29 of the Tamil Nadu Town and Country Planning Act, 1971 by the first respondent on 09.04.2019 was made, the Town Railway Station Feeder Road Detailed Development Plan, 2019 is deemed to have lapsed in view of Section 38 of the said Act.

8. Hence, this Writ Petition deserves to be allowed. However, it is made clear that in case the land is required, the respondents may formulate a fresh detailed development plan. Accordingly, this Writ Petition stands allowed. No costs.

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No



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C.SARAVANAN, J.

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