



W.P.(MD)No.15441 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.15441 of 2025

M.Dasarathan

... 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 Member Secretary,
Madurai Local Planning Authority, Madurai.

... 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 land of the petitioner comprised in T.S.No.7, Melakaal Main Road, Kochadai Village, West Taluk, Madurai, under the Kochadai Detailed Development Plan No.7 to have lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971.

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



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For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Mr.C.Satheesh, learned Government Advocate takes notice for the respondents and submits that there is no proposal to develop the land pursuant to the Kochadai Detailed Development Plan No.7. The statement made by the learned Government Advocate for the respondents is recorded.

2. That apart, as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, if within three years from the date of publication of the notice in the Tamil Nadu Government Gazette under Section 26 or 27 of the said Act, no declaration as provided under sub-section (2) of Section 37 of the said Act 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 development plan covered by such notice, such land shall be deemed to have been released from reservation unless it has been acquired.

3. In the present case, no such acquisition has taken place till date. In a series of judgments of this Court, it has been consistently held that the reservation



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made in respect of land under the aforementioned Kochadai Detailed Development Plan No.7 is deemed to have lapsed. This position has been affirmed in **W.P.(MD)No.3937 of 2024**, dated **21.02.2024** (**B.Manikandan vs. The Director, Town and Country Planning and another**) and **W.P.(MD)No. 22577 of 2024**, dated **24.09.2024** (**E.Deepa and others vs. The Director of Town and Country Planning and another**). Accordingly, the land in question is deemed to have been released from reservation.

4. The Writ Petition stands allowed with the above observation. No costs.

NCC : Yes / No
Index : Yes / No
smn2

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To:-

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C.SARAVANAN, J.

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