



W.P.(MD) No.16971 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.16971 of 2025

J.Saravanan

... Petitioner

Vs

1. The Director of Town and Country Planning,
Office of the Director of Town and Country Planning,
2nd, 3rd and 4th Floor,
C. Market Road,
Koyambedu,
Chennai - 600 107.

2. The Joint Director / Member Secretary,
Town and Country Planning,
Trichirappalli Region,
No.11, Kajamalai Main Road,
Thamarai Nagar,
Kajamalai Colony,
Trichirappalli.

3. The Commissioner,
Trichirappalli Corporation,
Trichirappalli,
Trichirappalli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declar the reservation in respect of the petitioner's land comprised in Survey No.12/2B in Pandamangalam Village, Trichy District, under the Pandamangalam Detailed Development Plan No.1 published in Trichy District Gazette Issue No.1, dated 13.07.2001 and Trichy District Gazette Issue No.2, dated 13.03.2005 pursuant to the consent accorded by the first respondent to the map of the Pandamangalam Detailed Development Plan No.1 in Roc. No.14829/2005/DP3, dated 18.07.2005 to have lapsed in the light of the Section 38 of Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act of 1972).

For petitioner : Mr.K. Ponnaiah

For respondents : Mr.C.Satheesh
Government Advocate for R1 & R2
Mr.K.R.Kishore Ram
for M/s.R.B.Law Associates for R3

ORDER

This Writ Petition has been taken up for disposal at the time of admission, after hearing the learned counsel for the petitioner, learned Government Advocate for the respondents 1 and 2 and learned counsel for the third respondent.



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2. The petitioner is before this Court for declaration of the land in question in Survey No.12/2B in Pandamangalam Village, Trichy District, under the Pandamangalam Detailed Development Plan No.1 published in Trichy District Gazette Issue No.1, dated 13.07.2001 and Trichy District Gazette Issue No.2, dated 13.03.2005 pursuant to the consent accorded by the first respondent to the map of the Pandamangalam Detailed Development Plan No.1 in Roc. No. 14829/2005/DP3, dated 18.07.2005 to have lapsed in the light of the Section 38 of Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act of 1972).

3. The learned counsel for the third respondent would submit that although the land in question fell within the purview of the Detailed Development Plan mentioned above, the land in question is for public purpose and therefore, the question of acquisition of the land does not arise.

4. It is submitted that if the land was ear marked for residential purpose, the land need not be acquired. Thus, it is clear that till date the land has not been acquired by the respondents pursuant to the aforesaid Detailed Development Plan.



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5. The learned counsel for the third respondent also drew attention to the

Section 36 of the Town and Country Planning Act, 1971, which reads as follows:

“36. Power to acquire land under the Land Acquisition Act.

Any land required, reserved or designated in a regional plan, master plan, detailed development plan or a new town development plan, as the case may be, shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894 (Central Act I of 1894) and may be acquired under the said Act as modified in the manner provided in this Act.”

6. As per Section 37(2) of the Town and Country Planning Act, 1971, the land is required to be acquired. Section 37 of the Act reads as under:

“37. Power to purchase or acquire lands specified in the development plan:-

(1)Where after the publication of the notice in the Tamil Nadu Government Gazette of preparation of a regional plan, master plan, detailed development plan or a new town development plan, as the case may be, any land is required, reserved or designated in such plan, the appropriate planning authority may, either enter into agreement with any person for the acquisition from him by purchase of any land which may be acquired under section 36 or make an application to the Government for acquiring such land under the Land Acquisition Act, 1894 (Central Act I of 1984):Provided that if the value of such land exceeds fifty thousand rupees the appropriate planning authority shall not enter into such agreement without the previous approval of the Government.

(2)On receipt of an application made under sub-section (1), if



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the Government are satisfied that the land specified in the application is needed for the public purpose specified therein, they may make a declaration to that effect in the Tamil Nadu Government Gazette, in the manner provided in section 6 of the Land Acquisition Act, 1894 (Central Act I of 1894), in respect of the said land. The declaration so published shall, notwithstanding anything contained in the said Act, be deemed to be a declaration duly made under the said section 6 of the said Act: Provided that no such declaration in respect of any particular land covered by a notice under section 26 or section 27 shall be made after the expiry of three years from the date of such notice.

(3) On the publication of such declaration, the Collector of the district within whose jurisdiction the land is situate, shall proceed to take order for the acquisition of such land under the said Act; and the provisions of that Act shall, so far as may be, apply to the acquisition of the said land with the modification that the market value of the land shall be the market value prevailing on the date of publication of the notice in the Tamil Nadu Government Gazette under section 26 or section 27, as the case may be.”

7. If the land is not acquired or no declaration as provided in Section 37(2) of the Town and Country Planning Act, 1971 is published in respect of any land reserved or allotted for designated for any purpose specified in a regional plan, master plan, detailed development plan or new town development plan covered by such notice and such land is not acquired by agreement, such land shall be deemed to be released for such reason or designation. Section 38 of the Act reads as under:



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WEB COPY“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 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.”

8. Several orders have been passed by this Court. A reference is made to the decision of this Court in the case of ***P.Ramachandran vs. The Director, Town and Country Planning Development, Chennai (W.P.(MD) No.9483 of 2024, dated 24.04.2024)*** and ***K.Satesh vs. The Director, Town and Country Planning Development, Chennai (W.P.(MD) No.25328 of 2024, dated 24.10.2024)***.

9. In view of the above, this Writ Petition is ordered. No costs.

Index : Yes / No
Internet : Yes / No
apd

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C.SARAVANAN, J.

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