



W.P.(MD)No.20774 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.20774 of 2025

S.Suresh Kumar

... Petitioner

-VS-

1.The Director of Town and Country Planning,
Office of the Directorate of Town and Country Planning,
Second, Third and Fourth Floor,
C and E Market Road,
Koyambedu, Chennai – 600 107.

2.The Member Secretary,
Madurai Town and Country Planning Authority,
Madurai, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the reservations made in respect of the petitioner's land in Re-survey No.162/2C1, Uthangudi Village, Madurai East Taluk, Madurai District, forming part of the Madurai Local Planning Area, Uthangudi South Detailed Development Plan bearing Map No.DDP/DY.DT and C.P.(MR)No.24/2025 to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act 1971 (TN Act 35 of 1972) in view of failure to acquire the petitioner's lands under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.



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For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The present Writ Petition pertains to the Detailed Development Plan 2005, namely, the Uthangudi South Detailed Development Plan of the Madurai Local Planning Area.

2. It is confirmed by the learned Government Advocate for the respondents that no further steps have been taken for acquisition of the land since 2005. The learned Government Advocate has also filed a copy of instructions dated 30.07.2025, wherein it is confirmed that there has been no acquisition of land under the provisions of the erstwhile Land Acquisition Act, 1894 or under the subsequent enactment of the year 2013.

3. This Court, under similar circumstances in several cases, has referred to Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 and has allowed writ petitions.



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4. A reference is made to the decision of this Court in **K.Chitra Gandhi vs. The Director of Town and Country Planning, Chennai and another** [W.P. (MD)No.18550 of 2025, dated 09.07.2025]. The relevant portion of the said order reads as under:-

"4. Under similar circumstances, the Court has declared that the land has been released from the reservation by taking note of Section 38 of Tamil Nadu Town and Country Planning Act, 1971 in the order passed in W.P(MD) No.1456 of 2023 dated 01.02.2025 and the operative portion of the above judgment is reproduced hereunder:

"2.The petition mentioned land was reserved for road purposes in the detailed development plan in the year 1994. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 is 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 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.In this case, within three years from the date of publication of the detailed development plan, the land was not acquired. Since



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consequential steps were not taken, it is declared that the reservation made in respect of the petition mentioned land is deemed to have lapsed. It stands released from such reservation in view of the aforesaid statutory provision. The respondents are directed to make the necessary changes in the revenue record."

5. Accordingly, this Writ Petition stands allowed in terms of the above said order. No costs.

NCC : Yes / No
Index : Yes / No
smn2

30.07.2025

To:-

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C.SARAVANAN, J.

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