

W.P(MD)No.22452 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.22452 of 2025

1.C.R.Rajalingam

2.Selvaganesh

... Petitioners

Vs.

1.The Government of Tamilnadu,
Rep.By its Principal Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai.

2.The Assistant Director,
District Town and Country Planning,
Theni, Theni District.

3.The Commissioner,
Cumbum Municipality,
Theni District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare that the reservation in respect of the petitioners' land in Old T.S.No.15/2 New T.S.No. 15/5 (New Natham S.No.677/2) to an extent of 65 cents, T.S.No.15/3(New Natham S.No.677/3) to an extent of 1 acre 12 cents, T.S.No.16/1(New



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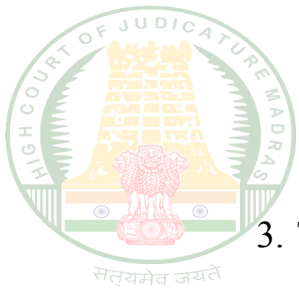
Natham S.Nos.696/2, 662/1, 661/1A) to an extent of 2 acres and 61 cents, Uthamapuram, Cumbum Town, Uthamapalayam Taluk, Theni District under the Detailed Development Plan No.4, Cumbum Local planning Area to have lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act 1971.

For Petitioner	: Mr.Vinod Kanna
For R1 & R2	: Mr.C.Satheesh Government Advocate
For R3	: Mr.K.Hemakarhikeyan Standing Counsel

ORDER

Mr.C.Satheesh, learned Government Advocate takes notice for the respondents 1 and 2 and submits that there is no proposal to develop the land pursuant to the Detailed Development Plan No.4, Cumbum Local planning Area. The statement made by the learned Government Advocate for the respondents 1 and 2 is recorded.

2. Mr.K.Hemakarhikeyan, learned Standing Counsel takes notice for the third respondent.



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3. 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.

4. In the present cases, no such acquisition has taken place till date. In a series of judgments of this Court, it has been consistently held that the reservation made in respect of land under the aforementioned Detailed Development Plan No.4, Cumbum Local planning Area 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.



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5. This Writ Petition stands allowed with the above observation.

However, liberty is granted to the respondents to initiate any other proceedings at a later point of time if the land is required for such development purpose. No costs.

18.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Principal Secretary,
Housing and Urban Development Department,
Fort St.George,
Chennai.
- 2.The Assistant Director,
District Town and Country Planning,
Theni, Theni District.
- 3.The Commissioner,
Cumbum Municipality,
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C.SARAVANAN, J.

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