



W.P.(MD)No.25673 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

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N.Pather Nisha

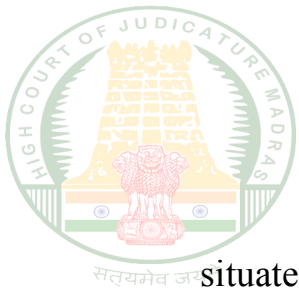
... Petitioner

Vs.

1. The Director/Commissioner,
Directorate of Town and country Planning,
Chepauk,
Chennai 600 006
2. The Member Secretary/Joint Director,
Tirunelveli Local planning Authority,
Tirunelveli 627 005
3. The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration declaring the Tirunelveli local planning Authority, Perumalpuram Extension Detailed Development Plan-1 (Comprehensive Variation) Map No.5 issued by the first and second respondents in DDP(V)TVLR/DTCP No.13/2012 vide PRO ROC No.12523/09 DP2 year 2012 earmarking the petitioner's reservation made in respect of petitioner's land to an extent of 465.51 sq.m, 5010.75 sq.ft



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situate at T.S.No.16/1A2 (Old S.No.502) Block - 7, Ward-BM Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli District in the Tirunelveli Perumalpuram Extension and Development Plan No.1 (Comprehensive Variation) Map No.5 lapsed and deemed to be released as per section 38 of Tamil Nadu Town and Country Planning Act 1971.

For Petitioner : Mr.S.Srikanth
For R1 and R2 : Mrs.S.Jeya Priya
Government Advocate
For R3 : Mr.S.Sivamu Pandian

ORDER

The writ petition has been filed for a declaration to declare the Tirunelveli local planning Authority, Perumalpuram Extension Detailed Development Plan-1 (Comprehensive Variation) Map No.5 issued by the first and second respondents in DDP(V)TVLR/DTCP No.13/2012 vide PRO ROC No.12523/09 DP2 year 2012 earmarking the petitioner's reservation made in respect of petitioner's land to an extent of 465.51 sq.m, 5010.75 sq.ft situate at T.S.No.16/1A2 (Old S.No.502) Block - 7, Ward-BM Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli District in the Tirunelveli Perumalpuram Extension and Development Plan No.1 (Comprehensive Variation) Map No.5 lapsed and deemed to be released as per section 38 of Tamil Nadu Town and Country Planning Act 1971.



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2. Heard the arguments of Mr.S.Srikanth, learned counsel appearing for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate who takes notice on behalf of the respondents 1 and 2 and Mrs.Sivanu Pandian, learned counsel who takes notice for the 3rd respondent. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

3. It is the contention of the writ petitioner that though the subject land was approved in “Kulavanigarpuram Extension and Development Plan No-1”, the property has not been acquired till date. As per Section 38 of Tamil Nadu Town and Country Planning Act, 1971, if such acquisition is not made within a period of three years from the date of publication of the detailed development plan, the land will be deemed to have been released from such reservation from the detailed development plan. Hence, according to them, no such acquisition has been made within a period of three years, hence, the writ petition.



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4. The learned Government Advocate appearing for the respondents, on instructions, would submit that the lands under the proposed detailed development plan proposed in the year 2012, which is the subject matter of this writ petition, has not been acquired by the Government.

5. Since the acquisition has not been made, within a period of three years from the year 2012 or subsequently under Section 37(2) of Tamilnadu Town and Country Planning Act, 1971, the land shall be deemed to be released from acquisition as per Section 38 of the Tamilnadu Town and Country Planning Act, 1971. Since the respondents have failed to comply with the statutory requirements under Section 37 of the Tamil Nadu Town and Country Planning Act, the lands measuring of 465.51 sq.m (5010.75) sq.ft situated in T.S.No.16/1A2 (Old S.No.502) Block - 7, Ward-BM Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli Distric, earmarked for the “Kulavanigarpuram Extension and Development Plan No-1”, is deemed to be lapsed and released from reservation in the light of Section 38 of the Tamilnadu Town and Country Planning Act, 1971.



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6. Accordingly, this Writ Petition is allowed. No costs.

19.09.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

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P.T.ASHA, J.

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