



W.P.(MD)No.24502 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2025

CORAM:

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

W.P.(MD).No.24502 of 2025

Mrs.P.Ameenul Beevi

... Petitioner

Vs.

1. The Director/Commissioner,
Directorate of Town and Country Planning,
Chepauk,
Chennai 600 006.

2. The Assistant Director,
Director Town and country Planning Office,
Tenkasi District.

3. The Tenkasi Municipality,
Represented by its Commissioner,
Tenkasi District.

4. The Member Secretary/Commissioner,
Tenkasi Local Planning Authority,
Tenkasi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of declaring the Tenkasi Local Planning Area Detailed Development Plan No.9, Map No.3 issued by the 1st respondent in DDP/TVLR/DTCP No.41/2010 vide PRO. ROC No. 23030/09/DP3 dated .09.2010 earmarking the petitioner's property in



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Survey No.499A/1B, 500/1, 500/2 Corresponding to Town Survey No. 71/4 and 71/7 to 71/17 situated in Ward A Tenkasi Part I, Block 07, Tenkasi Village, Tenkasi Taluk, Tenkasi District as CC ROAD as lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.R.J.Karthick
For R1 and R2 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R3 : Mr.P.Athimoolapandian
Standing Counsel

ORDER

The above writ petition is filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of declaring the Tenkasi Local Planning Area Detailed Development Plan No.9, Map No.3 issued by the 1st respondent in DDP/TVLR/DTCP No.41/2010 vide PRO. ROC No.23030/09/DP3 dated .09.2010 earmarking the petitioner's property in Survey No.499A/1B, 500/1, 500/2 Corresponding to Town Survey No.71/4 and 71/7 to 71/17 situated in Ward A Tenkasi Part I, Block 07, Tenkasi Village, Tenkasi Taluk, Tenkasi District as CC ROAD as lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.”



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2. Heard the arguments of Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mrs.D.Farjana Ghoushia, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.P.Athimoolapandian, learned Standing Counsel appearing 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 “Tenkasi Local Planning Area Detailed Development Plan No.9, Map No.3” , 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 petitioner was seeking release of the property in respect of the larger extent of area much more than what is available in the detailed plan. This argument cannot be countenanced for the simple reason that in her prayer sought for in this writ petition, the petitioner has clearly mentioned that the release of the property marked as CC Road is what is sought for. This road had been shown in a detailed plan approval, which to date has not been put into use.

5. Since the acquisition has not been made, within a period of three years from the year 2010 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 in Survey No. 499A/1B, 500/1, 500/2 Corresponding to Town Survey No.71/4 and 71/7 to 71/17 situated in Ward A Tenkasi Part I, Block 07, Tenkasi Village,



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Tenkasi Taluk, Tenkasi District as CC ROAD, earmarked for the “Tenkasi Local Planning Area Detailed Development Plan No.9, Map No.3”, is deemed to be lapsed and released from reservation in the light of Section 38 of the Tamilnadu Town and Country Planning Act, 1971.

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

29.10.2025

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



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P.T.ASHA, J.

rgm

To

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