



W.P.(MD) No.28196 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2025

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.28196 of 2025

K.Susitra Devi

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
rep., by its Secretary,
Housing and Urban Development,
Fort St.George, Chennai 600 009.
- 2.The Director,
Directorate of Town and Country Planning,
807, Anna Salai, Chennai 600 002.
- 3.The District Collector,
The Collectorate, Tenkasi District.
- 4.The Assistant Director,
District Town and Country Planning Office,
Tenkasi District.
- 5.The Commissioner,
Tenkasi Municipality,
Anaikarai Street, Tenkasi District.



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6.The Thasildar,
Tenkasi Taluk, Tenkasi District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 and 2 to release the petitioner's land situated at T.S.No.180, 181, 182, 183 of Ward A Tenkasi Part-I, Tenkasi Taluk, Tenkasi District, from reservation which was earmarked for road in the Tenkasi Proposed Land Plan-2011 as lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 and consequently direct the respondents 4 and 5 to process the petitioner's application for layout approval within the time stipulated by this court.

For Petitioner : Mr.O.R.Gokul Abimanyu
For Respondents : Mrs.S.Jeyapriya
Govt. Advocate (for R1 to R4 & R6)
Mr.P.Aathimoolapandian (for R5)

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 1 and 2 to release the petitioner's land situated at T.S.No.180, 181, 182, 183 of Ward A Tenkasi Part-I, Tenkasi Taluk, Tenkasi District, from reservation which was earmarked for road in the Tenkasi Proposed Land Plan-2011 as lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 and consequently direct the respondents 4 and 5 to process the petitioner's application for layout approval within the time stipulated by this court.



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2. The contention of the petitioner is that though the subject lands were included in the 'Tenkasi Master Plan-2011', the said lands have not been acquired till date. As per Section 38 of the 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 shall be deemed to have been released from such reservation. Since no such acquisition has been made within the stipulated period, the petitioner has filed this writ petition.

3. The learned Government Advocate appearing for the respondents 1 to 4 and 6, on instructions, submitted that the lands covered under the proposed 'Tenkasi Master Plan-2011', which forms the subject matter of the present writ petition, have not been acquired by the Government.

4. In view of the above submission, it is clear that the acquisition has not been made within a period of three years from the year 2006. Therefor, it is hereby declared that the lands in question, which were earmarked under the 'Tenkasi Master Plan-2011', are deemed to have been released from reservation and the reservation is treated as lapsed in terms of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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

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NCC : Yes/No
Index : Yes/No
Rmk

To

- 1.The Secretary,
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The Collectorate, Tenkasi District.
- 4.The Assistant Director,
District Town and Country Planning Office,
Tenkasi District.
- 5.The Thasildar,
Tenkasi Taluk, Tenkasi District.



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P.T.ASHA, J.

Rmk

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