



W.P(MD)No.28393 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28393 of 2025

G.Velkumar

... Petitioner

Vs.

1.The Director of Town & Country Planning,
Office of the Directorate of Town and Country Planning,
second, third and fourth floor,
C & 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, praying this Court to issue a Writ of Declaration, to declare the reservations made in respect of the petitioner's land in Re-survey No.155/7A and 155/7B, 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.24/2005, to have lapsed in light of Sec.38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN ACT 35 of 1972) in view of failure to acquire the petitioners lands under the



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Right to Fair Compensation and Transparency in Land Acquisition,
Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard both sides.

2. The petition mentioned land was earmarked for laying the scheme road. It was included in the year 2005 Detailed Development Plan. However, no consequential action for acquisition was taken within three years. In these circumstances, the present writ of declaration has been filed.

3. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 reads as 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.”



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4. In this case, statutory mandate has to be applied. It is declared that the petition mentioned land stands released from the reservation set out in 2005 Detailed Development Plan. The respondents are further directed to carry out the consequential changes in the relevant records. This shall be done immediately.

5. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

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