



W.P(MD)No.28912 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.28912 of 2025

M.Maheswari

..Petitioner

Vs

1. The Director
Directorate of Town and country Planning
2nd 3rd and 4th floor
C and E Market Road
Koyambedu
Chennai-600 107.

2. The Commissioner
Sivakasi Corporation
Sivakasi - 626 123.

3. Town Planning Inspector
Sivakasi Local Planning Authority
Sivakasi Corporation
Sivakasi - 626 123.

..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 made in respect of the petitioner's land in T.S. No. 100/1A1B and T.S. No. 100/1A1C as Reserved for Theatre in Sivakasi Town Ward C, Sivakasi, forming part of the Sivakasi Local Planning Area - Extension of Thiruthangal Road Palapatti Road North Detailed Development Plan (Map No. 5) DTCP No. 08/2011 vide proceedings in R.O.C. No. 26546/08/DP2 to



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have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act 1971.

For Petitioner : Mr.V.Abilash Shankar

For Respondents : Mr.D.Sasikumar
Addl. Govt. Pleader (for R1)

Mrs.S.Devasena (for R2 and R3)

ORDER

This writ petition has been filed seeking issuance of a Writ of Declaration, to declare that the reservation made in respect of the petitioner's land in T.S.No.100/1A1B and T.S.No.100/1A1C as Reserved for Theatre in Sivakasi Town Ward C, Sivakasi, forming part of the Sivakasi Local Planning Area - Extension of Thiruthangal Road Palapatti Road North Detailed Development Plan (Map No. 5) DTCP No. 08/2011 vide proceedings in R.O.C.No.26546/08/DP2 to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act 1971.

2. The contention of the petitioner is that though the subject lands were included in the Sivakasi Local Planning Area - Extension of Thiruthangal Road Palapatti Road North Detailed Development Plan (Map No. 5), 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



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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 Additional Government Pleader appearing for the first respondent, on instructions, submitted that the lands covered under the proposed Sivakasi Local Planning Area - Extension of Thiruthangal Road Palapatti Road North Detailed Development Plan (Map No. 5) which was formulated in the year 2011 and forms the subject matter of the present writ petition, have not been acquired by the Government.

4. In view of the above submission, since the acquisition has not been made within a period of three years from the year 2011 or subsequently, as required under Section 37(2) of the Tamil Nadu Town and Country Planning Act, 1971, the lands shall be deemed to have been released from reservation as per Section 38 of the said Act.

5. Accordingly, it is declared that the lands in question, which were earmarked under the Sivakasi Local Planning Area - Extension of Thiruthangal Road Palapatti Road North Detailed Development Plan (Map No. 5) 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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6. Accordingly, this Writ Petition is allowed. No costs.

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NCC : Yes/No

Index : Yes/No

Internet:Yes

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P.T.ASHA, J.

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