



W.P(MD)No.28972 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.28972 of 2025

Logagurunathan

..Petitioner

Vs

1.The Director,'

Tamil Nadu Town and Country Planning,
Anna Salai, Chennai.

2.The Commissioner,

Trichirappalli Corporation,
Trichirappalli.

3.The Member Secretary / Joint Director,

Local Planning Authority,
Trichirappalli.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 3rd respondent herein in his proceedings in Na.Ka.No.2287/2025/Theema-3 dated 23.07.2025 and quash the same as illegal and consequently direct the 3rd respondent to remove the reservation made in respect of the petitioner's land situated at Trichy District, Trichy East Taluk, Ariyamankallam revenue,



W.P(MD)No.28972 of 2025

Varaganery Village Ward No.V-Block No.3 in T.S.No.33/3 (Survey No. 179/1A, Old survey No. old 179/3) forming part of Varaganery south detailed Development Plan since the said plan have lapsed in the light of section 38 of Tamilnadu Town and country planning Act 1971 (Tamilnadu Act 35 of 1972).

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mrs.D.Farjana Ghoushia
Spl. Govt. Pleader (for R1 & R3)

Mr.Kishreram (for R2)

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.2287/2025/Theema-3 dated 23.07.2025, quash the same as illegal, and consequently direct the third respondent to remove the reservation made in respect of the petitioner's land situated at Trichy District, Trichy East Taluk, Ariyamankallam Revenue Village, Varaganery Village, Ward No.V, Block No. 3, in T.S.No.33/3 (Survey No.179/1A, Old Survey No.179/3) forming part of the Varaganery South Detailed Development Plan, on the ground that the said plan has lapsed in terms of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972).



W.P(MD)No.28972 of 2025

2. The contention of the petitioner is that though the subject lands were included in the Varaganery south detailed Development Plan, 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 Special Government Pleader appearing for the respondents, on instructions, submitted that the lands covered under the proposed Varaganery south detailed Development Plan, which was formulated in the year 1962 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 1962 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 Varaganery south detailed Development Plan, are



W.P(MD)No.28972 of 2025

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.

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

16.10.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn
To

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W.P(MD)No.28972 of 2025

P.T.ASHA, J.

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Writ Petition(MD)No.28972 of 2025

16.10.2025