



W.P(MD)No.29367 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.29367 of 2025
and W.M.P(MD).No.22700 of 2025

1.M.Anaiyappan
2.A.Essakiammal

.. Petitioners

Vs

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

2.The Member Secretary/ Joint Director,
Tirunelveli Local Planning Authority,
Tirunelveli -05.

3.The Tirunelveli City Municipal Corporation,
rep., by its Commissioner,
Tirunelveli City.

.. 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 Tirunelveli L.P.A Melapalayam D.D.Plan No.5, Map No.4 issued by the first respondent in DDP(TVL)/DTCP No.13/98 earmarking the petitioner's property in S.No.



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1041/2, Town Survey No.5, Town Survey Ward BP, Block 28, Melapalayam Zone, Tirunelveli City Municipal Corporation, Palayamkottai Taluk, Tirunelveli District, measuring 5 cents as “F1FI Road, F9F9 Road, GG Road” as lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act 1971.

For Petitioners : Mr.T.Selvan

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader
for R1 & R2
Mr.A.Sivanupandian
Standing Counsel (for 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 petitioners' property in S.No.1041/2, Town Survey No.5, Town Survey Ward BP, Block 28, Melapalayam Zone, Tirunelveli City Municipal Corporation, Palayamkottai Taluk, Tirunelveli District, measuring 5 cents as “F1FI Road, F9F9 Road, GG Road” forming part of the 'Tirunelveli L.P.A Melapalayam D.D.Plan No.5, Map No.4' issued by the first respondent in DDP(TVL)/DTCP No.13/98 dated 31.06.1998, as lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act 1971.



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2. The contention of the petitioner is that though the subject lands were included in 'Tirunelveli L.P.A Melapalayam D.D.Plan No.5, Map No.4', 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 1 and 2, on instructions, submitted that the lands covered under the proposed 'Tirunelveli L.P.A Melapalayam D.D.Plan No.5, Map No.4', which was formulated in the year 1998 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 1998 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.



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5. Accordingly, it is declared that the lands in question, which were earmarked under the 'Tirunelveli L.P.A Melapalayam D.D.Plan No.5, Map No. 4', 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.

6. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

11.11.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
Rmk

To

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

2. The Member Secretary/ Joint Director,
Tirunelveli Local Planning Authority,
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3.The Tirunelveli City Municipal Corporation,
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P.T.ASHA, J.

Rmk

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