



W.P.(MD) No.29258 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2025

CORAM:

THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.29258 of 2025

1.A.Maria Susai
2.M.Anto Joe Selvakumar

... Petitioners

-VS-

1.The Director of Town and Country Planning,
Directorate of Town and Country Planning,
CMDA Office Complex, E & C, Market Road,
Srinivasa Nagar, Virugambakkam,
Koyambedu,
Chennai.

2.The Assistant Director / Member Secretary,
District Town and Country Planning Office,
Tirunelveli District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration to declare the reservation in respect of the petition mentioned lands of the Petitioners 1 and 2 comprised in T.S.No.49 at Ward AH, Sindhupoondurai, Block 0001 and T.S.Nos.1505/1, 1506/2 and 1506/1 at Ward AJ, Melaveeraragavapuram, Tirunelveli Part-3, Block 0022,



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Tirunelveli Village, Tirunelveli Taluk, Tirunelveli District under the Swamy Nellaiyappar High Road Detailed Development Plan No. III to have lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 within time stipulated by this Court.

For Petitioner : Mr.H.Jasima Yasmin for
M/s Ajmal Associates
For Respondents : Mr.D.Farjana Ghoushia
Spl. Govt. Pleader

ORDER

This writ petition has been filed seeking issuance of Writ of Declaration to declare the reservation in respect of the petition mentioned lands of the petitioners comprised in T.S.No.49 at Ward AH, Sindhupoondurai, Block 0001 and T.S.Nos.1505/1, 1506/2 and 1506/1 at Ward AJ, Melaveeraragavapuram, Tirunelveli Part-3, Block 0022, Tirunelveli Village, Tirunelveli Taluk, Tirunelveli District under the Swamy Nellaiyappar High Road Detailed Development Plan No. III to have lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 within time stipulated by this Court.

2. The contention of the petitioner is that though the subject lands were included in the Swamy Nellaiyappar High Road Detailed Development Plan No.



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III , 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 petitioners have filed this writ petition.

3. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the lands covered under the proposed Swamy Nellaiyappar High Road Detailed Development Plan No.III, which was formulated in the year 1987 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 1987 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 Swamy Nellaiyappar High Road Detailed Development



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Plan No. III, 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.

17.10.2025

NCC : Yes/No
Index : Yes/No
skn

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2.The Assistant Director / Member Secretary,
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Tirunelveli District.
Madurai District.



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P.T.ASHA, J.

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