



W.P.(MD)No.30358 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2025

CORAM:

THE HON'BLE MS.JUSTICE P.T.ASHA

W.P.(MD).No.30358 of 2025

Sadiq Batcha

... Petitioner

Vs.

1. The Director
Directorate of Town and Country Planning,
2nd, 3rd and 4th Floor, C & E Market Road,
Koyembedu,
Chennai – 600 107.

2. The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Gnanapathi Nagar, 2nd Street,
Medical College Road,
Thanjavur – 613 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents no.1 and 2 to release the petitioner's land with an extent of 1 Acre 91 Cents situated in Town Survey Numbers 1583/13, 1583/3 and 1589/1, Block No: 40, 41, 42 Ward 1, Thanjavur Town, Thanjavur District treating the “Karanthai Detailed Development Plan Part-III (Map No.5)” as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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For Petitioner : Mr.R.Karunanidhi
For R1 and R2 : Mr.D.Sasikumar
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of writ of mandamus to direct the respondents no.1 and 2 to release the petitioner's land measuring an extent of 1 Acre 91 Cents situated in Town Survey Numbers 1583/13, 1583/3 and 1589/1, Block No: 40, 41, 42 Ward 1, Thanjavur Town, Thanjavur District treating the “Karanthai Detailed Development Plan Part-III (Map No.5)” as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2. It is the contention of the writ petitioner that though the subject land was approved in “Karanthai Detailed Development Plan Part-III (Map No.5)”, the property has 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 will be deemed to have been released from such reservation from the detailed development plan. Hence, according to him, no such acquisition has been made within a period of three years, hence, the writ petition.



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3. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the lands under the proposed detailed development plan proposed in the year 2011, which is the subject matter of this writ petition, has not been acquired by the Government.

4. Since the acquisition has not been made, within a period of three years from the year 2001 or subsequently under Section 37(2) of Tamilnadu Town and Country Planning Act, 1971, the land shall be deemed to be released from acquisition as per Section 38 of the Tamilnadu Town and Country Planning Act, 1971. Since the respondents have failed to comply with the statutory requirements under Section 37 of the Tamilnadu Town and Country Planning Act, the lands measuring of 1 Acre 91 cents situated in Town Survey Numbers 1583/13, 1583/3 and 1589/1, Block No: 40, 41, 42 Ward 1, Thanjavur Town, Thanjavur District, is deemed to be lapsed and released from reservation in the light of Section 38 of the Tamilnadu Town and Country Planning Act, 1971.



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

28.10.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm

To

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P.T.ASHA, J.

rgm

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