



W.P(MD)No.30799 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)Nos.30799 of 2025

A.Rengarajan

..Petitioner

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,
The District Town and Country Planning Office,
Virudhunagar District.

..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 reservation qua the land comprised in T.S.Nos.56/5 and 56/1 situated at Block No.11 Ward B, Sivakasi Taluk, Virudhunagar District under the Sivakasi Municipality South of Railway Line T.P. Scheme 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 : Ms.H.Jasima Yasmin

For Respondent : Mr.D.Sasikumar
Addl. Govt. Pleader (for R1 and R2)



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ORDER

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This writ petition has been filed seeking issuance of a Writ of Declaration to declare the reservation qua the land comprised in T.S.Nos. 56/5 and 56/1 situated at Block No.11 Ward B, Sivakasi Taluk, Virudhunagar District under the Sivakasi Municipality South of Railway Line T.P. Scheme 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 Sivakasi Municipality South of Railway Line T.P. Scheme, 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 Additional Government Pleader appearing for the respondents, on instructions, submitted that the lands covered under the proposed Sivakasi Municipality South of Railway Line T.P. Scheme, which was formulated in the year 1987 and forms the subject matter of the present writ petition, have not been acquired by the Government.



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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 Sivakasi Municipality South of Railway Line T.P. Scheme, 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.

31.10.2025

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

To

- 1.The Director of Town and Country Planning,
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Chennai.
- 2.The Assistant Director/Member Secretary,
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P.T.ASHA, J.

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