



W.P(MD)No.31227 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.31227 of 2025

J.Regunandan

..Petitioner

Vs

1.The Director of Town and Country Planning,
2, 3, & 4th Floor, B, CDMA Office Campus,
E & C Market Road,
Koyambedu,
Chennai.

2.The Member Secretary,
Madurai Local Planning Authority,
Sector – 6,
Anaiyur,
Mudakkathan Main Road,
Koodalpudur,
Madurai – 17.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration declaring that the reservation made in respect of the petitioner's land in old survey No.307, later subdivided as survey No.307/4 old patta No.308, 1987 UDR survey No. 145/4 now subdivided as UDR survey No. 145/4A with an extent of 76 cents situates in Sirudhur Village, Madurai North Taluk, within Madurai Corporation limits, Madurai Town Under Siruthur detailed Development plan part VIII is deemed to be lapsed and released from the reservation in the light of section 38 of the Tamilnadu Town and Country Planning Act 1971 (TN Act 1974).



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For Petitioner : Mr.P.Gunasekaran

For Respondents : Mrs.S.Jeyapriya
Govt. Advocate (for R1 and R2)

ORDER

This writ petition has been filed seeking issuance of a Writ of Declaration declaring that the reservation made in respect of the petitioner's land in old survey No.307, later subdivided as survey No.307/4, old patta No.308, 1987 UDR survey No.145/4, now subdivided as UDR survey No. 145/4A with an extent of 76 cents situates in Sirudhur Village, Madurai North Taluk, within Madurai Corporation limits, Madurai Town Under Siruthur detailed Development plan part VIII is deemed to be lapsed and released from the reservation in the light of section 38 of the Tamilnadu Town and Country Planning Act 1971 (TN Act 1974).

2. The contention of the petitioner is that though the subject lands were included in the Siruthur detailed Development plan part VIII, 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.



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3. The learned Government Advocate appearing for the respondents, on instructions, submitted that the lands covered under the proposed Siruthur detailed Development plan part VIII, which was formulated in the year 2000 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 2000 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 Siruthur detailed Development plan part VIII, 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.

05.11.2025

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



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To

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P.T.ASHA, J.

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