



WEB COPY



W.P(MD)No.31989 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.31989 of 2025

- 1.Sulochana
- 2.Vignesh
- 3.Omprakash
- 4.Vaishnavi Devi
- 5.P.D.Mohan Singh
- 6.Kalyani
- 7.Shalini
- 8.Girija
- 9.Duraisingh

..Petitioners

Vs.

- 1.The Director,
Directorate of Town and Country Planning,
2nd, 3rd, & 4th Floor, C & E Market Road,
Koyembedu,
Chennai – 600 107.
- 2.The Assistant Director cum Member Secretary,
Local Planning Authority, Theni Zone,
Town and Country Planning,
D.No.446/a, 17 Ward, Nehruji Street,
Allinagaram, Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the Respondents No-1 and 2 to release the Petitioner's land property measuring of 2 Acre 37.93 cent situated in Survey No 4001/1A in Ward-II Block No 27 Melachokkanathapuram Village, Bodinayakanur Town and Taluk, Theni District by treating the Nadupatti Eastern Extension Detailed Development



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Plan (Map No.4) of Bodinayakanur Local Planning Area as lapsed under Section 38 of Tamil Nadu Town country planning Act, 1971.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mrs.S.Jeyapriya
Govt. Advocate

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents 1 and 2 to release the Petitioner's land property measuring of 2 Acre 37.93 cent situated in Survey No 4001/1A in Ward-II, Block No.27, Melachokkanathapuram Village, Bodinayakanur Town and Taluk, Theni District by treating the Nadupatti Eastern Extension Detailed Development Plan (Map No.4) of Bodinayakanur Local Planning Area as lapsed under Section 38 of Tamil Nadu Town country planning Act, 1971.

2. The contention of the petitioner is that though the subject lands were included in the Nadupatti Eastern Extension Detailed Development Plan (Map No.4) of Bodinayakanur Local Planning Area, 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,



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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 Government Advocate appearing for the respondents, on instructions, submitted that the lands covered under the proposed Nadupatti Eastern Extension Detailed Development Plan (Map No.4) of Bodinayakanur Local Planning Area, which was formulated in the year 1994 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 1994 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 Nadupatti Eastern Extension Detailed Development Plan (Map No.4) of Bodinayakanur Local Planning Area, 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.



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

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

To

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P.T.ASHA, J.

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