



W.P(MD)No.33079 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.33079 of 2025

R.Balasubramanian

..Petitioner

Vs

1.The Director

Directorate of Town and Country Planning,
2nd , 3rd and 4th Floor, C & E Market Road,
Koyembedu, Chennai.

2.The Joint Director,

Town and Country Planning,
Tirunelveli City Municipal Corporation,
Tirunelveli.

3.The Executive Officer,

Keelanatham Village Panchayat,
Palayamkottai,
Tirunelveli.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of declaration to declare that the reservation of area shown as North-South F-F1 scheme road shown Keelanatham Detailed Development Plan No.3 in Ref.No.11/2009 published in Part VI Section 1 of the Government Gazette dated 30-07-2010 vide proceeding REC.No.5734/2009/DP3 dated 06-10-2009 at the western corner of the petitioner's property in S.No.74/1, Keelanatham Village, Palayamkottai Taluk, Tirunelveli District as lapsed and deemed to be released as per Section 38 of the Town and Country Planning Act 1971 and



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consequently direct the respondents to make necessary changes and process the building plan approval without insisting the surrender of area reserved for scheme in the petitioner's plot.

For Petitioner : Mr.H.Arumugam
For Respondent : Mr.D.Sasikumar,
Addl. Govt. Pleader (for RR1 & 2)

Mr.S.S.Madhavan
Addl. Govt. Pleader (for R3)

ORDER

This writ petition has been filed seeking issuance of a Writ of declaration to declare that the reservation of area shown as North-South F-F1 scheme road shown Keelanatham Detailed Development Plan No.3 in Ref.No.11/2009 published in Part VI Section 1 of the Government Gazette dated 30-07-2010 vide proceeding REC.No.5734/2009/DP3 dated 06-10-2009 at the western corner of the petitioner's property in S.No.74/1, Keelanatham Village, Palayamkottai Taluk, Tirunelveli District as lapsed and deemed to be released as per Section 38 of the Town and Country Planning Act 1971 and consequently direct the respondents to make necessary changes and process the building plan approval without insisting the surrender of area reserved for scheme in the petitioner's plot.



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2. The contention of the petitioner is that though the subject lands were included in the North-South F-F1 scheme road and Keelanatham Detailed Development Plan No.3, 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 North-South F-F1 scheme road and Keelanatham Detailed Development Plan No.3, which was formulated in the year 2010 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 2010 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.



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5. Accordingly, it is declared that the lands in question, which were earmarked under the North-South F-F1 scheme road and Keelanatham Detailed Development Plan No.3, 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.

19.11.2025

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

To

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P.T.ASHA, J.

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