



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

WP No. 7158 of 2026

1. A. Raja

Petitioner(s)

Vs

1. The Secretary
Housing and urban Development
Department, Fort St. George, Chennai
600 015

2. The Director of Town and Country
Planning
Office of the Directorate of Town and
Country Planning Second third and
Fourth, Floor, C and E Market Road,
Koyambedu, Chennai 600 107

3. The member Secretary
Erode Town and Country Planning
Authority officer Chennimalai Road
Opposite to Govt I.T.T, Erode 638 009

Respondent(s)

PRAYER

To declare the reservation made in respect of the properties in S. No 63/9 (Old S. No 63/4, 693/5, 63/6) to an extent of 2295.5 sq.ft in Punjailakkapuram Village, modakkurichi Taluk, Erode District forming part of Punjailakkapuram Detailed Development Plan No. 4 to have lapsed, in view of section 38 of the Tamil nadu Town and Country Planning Act, 1971 by appreciating the above stated facts

For Petitioner(s): Mr.A.Kumaraguru

For Respondent(s): M/s.C.Meera Arumugam,AGP
For Respondent



ORDER

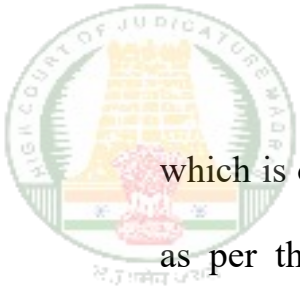
This Writ Petition has been filed, seeking for release of lands as per the provisions of Section 38 of the Tamil Nadu Town and Country Planning Act.

2.The petitioner seeks for release of his lands from land acquisition as per the provisions of Section 38 of the Tamil Nadu Town and Country Planning Act since the lands have not been acquired within a period of three years from the date of approval of the proceedings, which is of the year 2005.

3. This Court had an occasion to consider similar writ petitions involving the very same scheme and in all those cases, this Court had allowed the writ petitions under Section 38 of the Tamil Nadu Town and Country Planning Act, since the lands were not acquired within a period of three years from the date of approval of the proceedings which is of the year 2005.

4. The learned counsel for the petitioner has also enclosed one of the orders passed by this Court in W.P. No. 6188 of 2023 dated 02.03.2023, involving the very same scheme.

5. Ms. C. Meera Arumugam, learned Additional Government Pleader accepts notice on behalf of the respondents. On instructions, she also would submit that the scheme has also got lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act. Since the scheme has got lapsed by the passage of more than three years from the date of approval of the proceedings,



which is of the year 2005, necessarily, this writ petition will have to be allowed as per the provisions of Section 38 of the Tamil Nadu Town and Country Planning Act.

6. Accordingly, this Writ Petition is allowed, by declaring, as per the provisions of Section 38 of the Tamil Nadu Town and Country Planning Act, that the property, which was earlier the subject matter of land acquisition has now got lapsed as per the provisions of Section 38 of the Tamil Nadu Town and Country Planning Act and the petitioner is entitled to deal with the said land in whatever manner he deems it fit to do so. No costs.

09-03-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
ab



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ABDUL QUDDHOSE J.

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