



WEB COPY

WP No. 9217 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-03-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 9217 of 2026

G.Poovaragavan

..Petitioner(s)

Vs

1. The Secretary
Housing And Urban Development Department,
Fort St George Chennai 600 015
2. The Director
Tamil Nadu Town And Country Planning,
Chennai 600 002
3. The Assistant Director
Nammakkal District Town And Country
Planning Office,
Door No 6 / 1217 Paramathi Road (south Side)
Namakkal -637 001

..Respondent(s)

Writ petition is filed under Article 226 of the Constitution of India seeking for issuance of a writ of mandamus to direct the respondents to declare that the petitioner's land comprised in Old S. No. 307/3 T.S.No.23/5, Block No.5 Ward A Namakkal village, Namakkal measuring about 9125 Sq. Ft. is deemed to be released from the reservation of section 38 of Tamil Nadu Town and Country planning Act 1971 and consequently direct the respondents to pass appropriate orders for release of petitioner's land comprised in land situate at Old S. No 307/3, T.S. No 23/5, Block No.5 Ward A, Namakkal Village, Namakkal measuring about 9125 sq.ft.

For Petitioner(s):

Mr.M.R.Dhalapathy Vignesh Kumar

For Respondent(s):

Mrs.Meera Arumugam, AGP



ORDER

This writ petition has been filed seeking for release of the petitioner's land morefully disclosed in the prayer to this writ petition from the land acquisition as per the provisions of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2. The petitioner claims that eventhough land acquisition pertaining to the petitioner's property was issued by the respondents as early as in the year 1999, till date, the respondents have not taken any further steps to acquire the lands of the petitioner. Hence, the petitioner claims that as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, which specifically states that the lands should be acquired within three years from the date of publication of notice in the Government Gazette, the petitioner is entitled for release of his land from acquisition.

3. Mrs.Meera Arumugam, learned Additional Government Pleader, accepts notice on behalf of the respondents, and on instructions, she would submit that the petitioner's land will have to be released as per the provisions of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, since no acquisition has taken place.



4. In view of the same, the prayer sought for in this writ petition has to be granted in favour of the petitioner. Accordingly, this writ petition is allowed as per the provisions of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, by releasing the petitioner's land morefully disclosed in the prayer to this writ petition from the land acquisition, and the respondents are directed to pass appropriate orders to that effect. No Costs.

13-03-2026

Neutral Citation: Yes/No
RKM

To

1. The Secretary
Housing And Urban Development Department,
Fort St George Chennai 600 015
2. The Director
Tamil Nadu Town And Country Planning,
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ABDUL QUDDHOSE, J.

RKM

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