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WP No. 18458 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-06-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

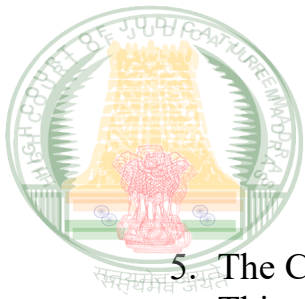
**WP No. 18458 of 2025
and WMP.No.4603 of 2026**

Tmt.A.Kowsalya
W/o.Ananda Gandhi Natesan,
No.7-D,Rajaram Film Directors Colony,
Kodambakkam,
Chennai 600 024

..Petitioner(s)

Vs

1. State of Tamil Nadu
Rep by its
Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai 600 009
2. The Director of Town And Country Planning
Government of Tamil Nadu,
Opposite to LIC,
Chengalvarayan Building,
4th Floor, 807, Anna Salai,
Chennai 600 002
3. The Commissioner of Municipal
Administration,
Chepauk, Chennai 600 005
4. The Regional Director of Municipal
Administration,
Chengalpet Region,
No.1, Rajaji Road,
West Tambaram,
Tambaram,
Chennai 600 045



5. The Commissioner
Thiruvallur Municipality,
Tiruvallur.

6. The Assistant Director Of Town And Country
Planning
Thiruvallur Region,
No.43/397a, 2nd Floor,
Annai Indira Gandhi Road,
Rajajipuram, Part-II,
Tiruvallur 602001

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration, declaring the respondents to declare that the reservation made in respect of the petitioner's land comprised in S.Nos.436/1,436/2 of Thiruvallur Village, Thiruvallur Municipality to the extent of 1.78 and 0.01 acres respectively for forming part of the proposed A3-A3 100 feet road to have lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act,1971 and consequently direct the respondents to pass an appropriate order for release of the petitioner's land comprised in S.Nos.436/1,436/2 of Thiruvallur Village, Thiruvallur Municipality to the extent of 1.78 and 0.01 acres respectively.

For Petitioner(s): Mr.V.Elangovan

For Respondent(s): Mr.C.Prabakaran,
Government Counsel for R1 to R4 & R6

Mr.P.Srinivas for R5



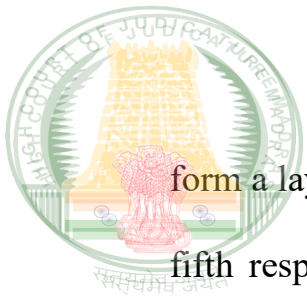
ORDER

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This Writ Petition has been filed seeking a declaration from the respondents to declare that the reservation made in respect of the petitioner's land comprised in S.Nos.436/1, 436/2 of Thiruvallur Village, Thiruvallur Municipality to the extent of 1.78 and 0.01 acres respectively for forming part of the proposed A3-A3 100 feet road to have lapsed in the light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 and consequently, the petitioner has sought for a direction to the respondents to pass an appropriate order for release of the petitioner's land comprised in S.Nos.436/1, 436/2 of Thiruvallur Village, Thiruvallur Municipality to the extent of 1.78 and 0.01 acres respectively.

2. Heard the learned counsels appearing on either side and also perused the materials available on record.

3. It is the case of the petitioner that she is the owner of the property situated in S.Nos.436/1, 436/2, Tiruvallur Village, Tiruvallur District measuring to an extent of 1.78 and 0.01 acres respectively acquired by way of a sale deed registered as Doc. No.6779 of 2003 before the Sub Register Office, Tiruvallur. Originally, the subject lands were agricultural lands, however later the Government converted them into multi zone and when the petitioner decided to



form a lay out as house sites, she made an application for lay out approval to the fifth respondent on 10.07.2017, who in turn forwarded the same to the sixth respondent on 28.07.2017, however lay out approval was not granted on the ground that the petitioner's property is coming under the multi zone of Tiruvallur Master Plan / proposed A3-100 feet road and aggrieved over the said fact, the petitioner made a request to the sixth respondent to delete her property from the A3-100 ft road in the land use map and issue a revised land use map, however without considering the factual aspects, the sixth respondent rejected the petitioner's request on 02.08.2018, as against which the petitioner filed Writ Petitions in W.P.No.27202 of 2018 & W.P.No.2492 of 2019 in which this Court had directed the first respondent to consider and dispose of the petitioner's representation dated 12.11.2018, within two weeks, due to non compliance of the said order, prompted the petitioner to file a contempt petition in Cont.P.No.1893 of 2019, for which a rejection order was passed by the respondents on 24.10.2019. Thereafter, the petitioner filed a Writ Petition in W.P.No.4786 of 2020 challenging the order of the second and sixth respondent dated 24.10.2019 and 11.11.2019 respectively which was withdrawn with liberty to seek the relief under Section 38 of the Town and Country Planning Act on 30.04.2025. Since the scheme was prepared in the year 2007 and as per the statement of the respondents, her land was acquired by them as per the provision of Chapter IV of Town and Country Planning Act, 1971 [hereinafter referred to as "the Act"] however till now no acquisition was done by the



respondents. In view of the same, as per the provisions of the Section 25 & 38 of the Act, the land would be deemed to be released from reservation, allotment or designation. Hence, the present Writ Petition.

4. The learned counsel for the petitioner submitted that since the subject land was not acquired within a period of three years of the aforesaid Master Plan Scheme, it automatically lapsed in terms of Section 38 of the Act. He further submitted that the issue involved in this Petition was decided by this Court in W.P.(MD) No.8515 of 2021 dated 25.06.2021 and accordingly, he prayed for appropriate orders.

5. Per contra, the learned Government Counsel for the respondents did not dispute the submissions made by the learned counsel for the petitioner. He fairly submitted that the issue raised in the present case is no longer *res integra* and it is covered by the decision of this Court in W.P.(MD)No.8515 of 2021, dated 25.06.2021. The relevant paragraphs of the said decision are extracted hereunder:

“5.It is not necessary for this Court to consider the entire scheme of the Act, since for the very same Kochadai detailed development scheme, a Division Bench of this Court in W.A.(MD)No.485/2020 has held that the scheme



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had lapsed by virtue of Section 38 of the Act. The relevant portions in the judgment are extracted hereunder:

“11.As rightly pointed out by the learned counsel appearing for the respondents/writ petitioners that the counter affidavit proceeds on the merits of the claim and in no way deal with deemed lapse and in the considered opinion of this Court, the learned Judge, on correct appreciation of facts and by applying the legal position as enumerated in the above said judgment, allowed the writ petition. This Court, on going through the reasons assigned in the impugned order, is of the considered view that there is no infirmity or error apparent on the face of the record for the reason assigned by the learned Single Judge for allowing the writ petition and finds that the writ appeal lacks merits.

12. It is also brought to the knowledge of this Court that the writ appeal filed by the official respondents in WA(MD) No.340 of 2020, against the order dated 27.02.2017 in W.P.(MD).No.14456 of 2014 was also dismissed on 02.03.2020.”



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6. *This Court has consistently held that if the land has not been acquired within a period of three years from the date of publishing the detailed development plan in the Gazette, the concerned lands shall be deemed to be released from such reservation. It will be beneficial to provide the details of the cases, wherein this Court had reached such a conclusion:*

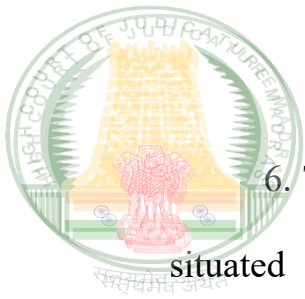
1. *M.Amsavalli v. Director of Town and Country Planning reported in (2017) 2 CWC 418.*

2. *R.M.Shanmuganathan v. Director of Town and Country Planing reported in (2018) 2 CWC 20;*

3. *W.P(MD) No. 5652 of 2019 (LKS Mohammed Meera Mohaideen V. Director of Town and Country Planning;*

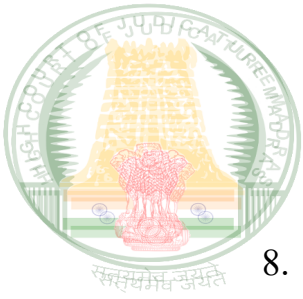
4. *W.A.(MD) No.485 of 2020 (The Director of Town and Country Planning and another V. Muthu and Others) and*

5. *W.P.(MD).No.166 of 2021 (Nagendran V. The Director of Town and Country Planning).”*



6. The facts in the present case is not disputed. The petitioner's property situated at Tiruvallur as stated supra was stated to be acquired by the respondents in terms of the Government Orders issued in G.O.Ms No.735, Housing and Urban Development Department dated 24.08.1993 for approval of Master Plan of Tiruvallur Town/ G.O.Ms No.353, Housing and Urban (UD4-2) Development Department dated 13.11.2007 for review consent of Master Plan of Tiruvallur Town and further G.O.Ms No.308, Housing and Urban Development (UD4-2) dated 31.12.2013 for approval of the Master Plan of Tiruvallur Town. However, the subject land was not acquired within a period of three years of the approval of the Master Plan of Tiruvallur Town which comes under the proviso of Section 37(2) of the Act and ultimately, Section 38 of the Act, can be pressed in service whereby the land is deemed to be released from such reservation, allotment or designation.

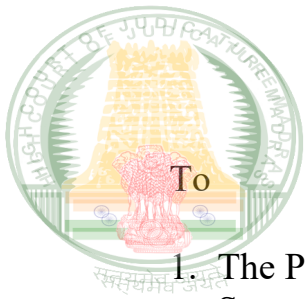
7. In the present case, the detailed development plan was notified in the year 1993 and consent revised plan in the year 2007 and the same was modified in the year 2013. However, the respondents failed to take any steps to acquire the land and therefore, by operation of Section 38, the scheme lapsed and therefore, the property belonging to the petitioner has to be released from the Master Plan of Tiruvallur Town.



8. In view of the above discussions and in the light of the order of this Court as stated supra, this Writ Petition is allowed. Accordingly, the respondents are directed to release the petitioner's property as stated supra from the Master Plan of Tiruvallur Town, since it has lapsed under Section 38 of the Act. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

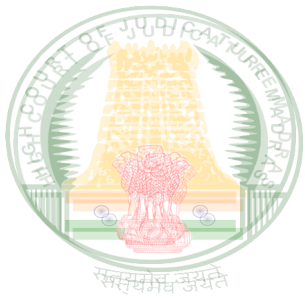
11-06-2026

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



To

1. The Principal Secretary To Government,
State Of Tamil Nadu,
Housing And Urban Development Department,
Secretariat,
Chennai 600 009
2. The Director of Town And Country Planning
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Opposite To LIC, Chengalvarayan Building,
4th Floor, 807, Anna Salai,
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M.DHANDAPANI, J.

DP

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