



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.(MD)No.1092 of 2026

G.Krishnamoorthy

.. Petitioner

- Vs. -

1. The Director,
O/o Town and Country Planning,
2nd, 3rd and 4th Floor,
C Market Road,
Koyembedu,
Chennai- 600 107.

2. The Joint Director / Member Secretary,
Town and Country Planning,
Trichy Region,
No.11, Kajamalai Main Road,
Thamarai Nagar,
Kajamalai Colony,
Trichy, Thiruchirappalli District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of DECLARATION, to declare the reservation made in respect of the Petitioner land situated Thiruchirappalli West, Thiruchirappalli City Corporation, Ko.Abhisekapuram Zone, Ward-1 Pandamangalam, Block-06-1, Old.S.F.No.93/14, New T.S.No.5/1 to an extent of 68 cents from Thiruchirappalli Local Planning Area Pandamangalam Detailed



Development Plan No. 02, Map.No. 3. DDP(TR)/DTCP/No.14/2005 dated 23.08.2005 has been lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act 1971 within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Viralinathan
For Respondents : Mr.S.S.Madhavan,
Additional Government Pleader

ORDER

The petitioner is before this Court seeking for a declaration to declare that land in Thiruchirappalli West, Thiruchirappalli City Corporation, Ko.Abhisekapuram Zone, Ward-1 Pandamangalam, Block-06-1, Old.S.F.No. 93/14, New T.S.No.5/1 to an extent of 68 cents from Thiruchirappalli Local Planning Area Pandamangalam Detailed Development Plan No. 02, Map.No. 3. DDP(TR)/DTCP/No.14/2005 dated 23.08.2005 has been lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act 1971.

2. The detailed development plan No.2 Map No.3 is deemed to have been released by operation of Section 38(b) of Tamilnadu Town and Country Plan Act, 1971. The second respondent published a detailed development plan dated



23.08.2005 in which the subject land was reserved was scheme road. Though the detailed development plan was published on 23.08.2005, the respondents had not taken any steps to acquire the land.

3. Section 38 of the Town and Country Planning Act, 1971, details with plan and stipulates that if within three(3) years from the date of publication of the notice in the Tamilnadu Government Gazette under Section 26 or 27, no acquisition of land as provided in Sub-Section (2) of Section 37 is made in respect of any land reserved in a detailed development plan, or such land is not acquired by agreement, such land is deemed to be released from such reservation.

4. Learned Additional Government Pleader appearing for the respondents filed counter affidavit stating that the subject land has not been acquired within 5 years from the date of publication of the date of development plan.

5. In view of the above, operation of Section 38(b) of the Act, 1981, the reservation assigned to the subject land as scheme road is deemed to have lapsed. Accordingly, the Writ Petition is allowed. It is declared that the reservation assigned to the subject scheme road is lapsed by operation of Section 38(b) of the Act and the petitioner is entitled to occupy the subject



property absolutely in accordance with law. The revenue authorities are directed to make necessary corrections in the revenue records.

6. The said exercise shall be completed within a period of four(4) weeks from the date of receipt of a copy of this order. No Costs.

07.04.2026
(2/2)

Index : Yes/No
NCC : Yes/No
P JL

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HEMANT CHANDANGOUDAR, J.

PJL

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