



W.P.(MD).No.2370 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2370 of 2026

Stalin Selvaraj

... Petitioner

Vs.

1.The Principal Secretary,
Housing and Urban Development Department,
St. George Fort,
Secretariat,
Chennai – 600009.

2.The Director,
Directorate of Town and Country Planning,
2nd , 3rd and 4th Floor, C&E Market Road,
Koyembedu,
Chennai – 600107.

3.The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur – 613001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents No-1 to 3 to release the Petitioner's land with extent of 1 Acre and 39 Cents situated in Survey Number. 187/12A1 situated in Nanjikottai



W.P.(MD).No.2370 of 2026

village, Thanjavur Taluk, Thanjavur District earmarked for the “Proposed 100 feet ring road in the Thanjavur Master Plan” by treating the “Proposed 100 feet ring road in the Thanjavur Master Plan” as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 within a stipulate time that may be fixed by this Honble Court and pass such further or other order as this Honble Court may deem fit and proper in the nature.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.M.Gangadharan,
Government Advocate

ORDER

The present writ petition has been filed seeking a mandamus directing the respondents to release the petitioner's land to an extent of 1 and 39 cents situated in Survey Number. 187/12A1 situated in Nanjikottai village, Thanjavur Taluk, Thanjavur District.

2. The learned counsel for the petitioner submitted that the said land was earmarked for the “Proposed 100 Feet Ring Road” under the Thanjavur Master Plan by virtue of G.O.(Ms).No.696 dated 09.08.1995, and the same was published in the Official Gazette on 11.10.1995.



W.P.(MD).No.2370 of 2026

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3. It is the contention of the learned counsel for the petitioner that the lands were not acquired by the Government within a period of three years from the date of publication of the notification and, therefore, by operation of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the reservation is deemed to have lapsed and the land ought to be treated as released.

4. In support of his submissions, the learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court reported in (2010) 9 SCC 344 and the judgment of this Court reported in (2022) 6 MLJ 416. The third respondent has filed a counter affidavit. Paragraph No.5 of the counter reads as follows:

“ 5. It is respectfully submitted that Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 provides for release of lands in certain circumstances. However, in the present case, the subject land cannot be released to the petitioner, since the said land continues to be retained for public purpose, in view of the development of the locality and the subsisting Thanjavur Master Plan.”



W.P.(MD).No.2370 of 2026

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5. However, the counter affidavit does not dispute the fact that no acquisition proceedings were initiated within a period of three years from the date of publication of the notification, namely, 11.10.1995. The Hon'ble Supreme Court, in the judgment reported in **(2010) 9 SCC 344**, in paragraphs 26 and 27, has categorically held as follows:

"26. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 runs as under:

"38. Release of land. If within three years from the date of the publication of the notice in the Tamil Nadu Government Gazette under Section 26 or Section 27-

(a) no declaration as provided in sub-section (2) of Section 37 is published in respect of any land reserved, allotted or designated for any purpose specified in a regional plan, master plan, detailed development plan or new town development plan covered by such notice; or

(b) such land is not acquired by agreement, such land shall be deemed to be released from such reservation, allotment or designation."

27. In view of the admitted position that the land is not acquired by agreement till the date of the judgment of the High Court, the deeming clause would certainly come into force and,



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W.P.(MD).No.2370 of 2026

therefore, the land concerned would certainly be deemed to have been released.”

6. This Court, in the judgment reported in **(2022) 6 MLJ 416**, in paragraph 15, has reiterated that in the absence of initiation of acquisition proceedings within the statutory period, the land shall be deemed to have been released from the reservation under the development plan. Paragraph 15 of the said judgment reads as follows:

“15. As per Section 38 of the said Act, if the lands are not acquired within the said period of 5 years, they should be deemed to be released from such reservation, allotment or designation. However, Government is at liberty to extend the period for such time, but not exceeding a period of 5 years. It is not the case of the respondent that the Government has extended the period for a further period of 5 years from 1997 onwards. Hence, it is clear that the acquisition proceedings have not been initiated within a period of 5 years from the date of Section 27 notification, they are deemed to have been released from the Detailed Development Plan.”

7. In view of the admitted fact that the lands have not been acquired within a period of three years from 11.10.1995, and in the light of Section 38



W.P.(MD).No.2370 of 2026

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of the Tamil Nadu Town and Country Planning Act, 1971, the reservation in respect of the petitioner's land is deemed to have lapsed and the land stands released from such reservation.

8. Accordingly, this Writ Petition stands allowed as prayed for. No costs.

23.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P.(MD).No.2370 of 2026

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W.P(MD)No.2370 of 2026

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