



W.P.(MD)No.1435 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.06.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.1435 of 2026

K.Parthasarathy

... Petitioner

vs.

1.The Director of Town and Country Planning,
807, Anna Salai,
Chennai, Chennai District.

2.The Deputy Director of Town and Country Planning,
Virudhunagar Town and Country Planning Authority,
Virudhunagar, Virudhunagar District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declare the reservation made in respect of the petitioner's land in T.S No.35/1B, Ward G Block 19, Vishwanatham Village, Sivakasi Taluk, Virudhunagar District forming part of the Sivakasi Local planning area Detailed Development Plan No. 5 of the year 1998 to have lapsed in light of Sec.38 of the Tamil Nadu Town and Country Planning Act, 1971 (TN Act 35 of 1972).

For Petitioner :Mr.V.M.Ashiev

For Respondents :Mrs.K.R.Shivashankari



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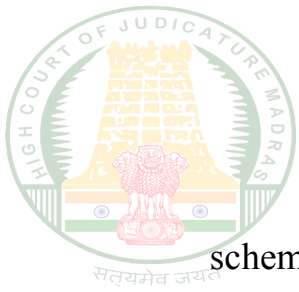
ORDER

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The petitioner is before this Court seeking issuance of a Writ of Declaration, to declare the reservation made in respect of the petitioner's land in T.S No.35/1B, Ward G Block 19, Vishwanatham Village, Sivakasi Taluk, Virudhunagar District forming part of the Sivakasi Local planning area Detailed Development Plan No. 5 of the year 1998 to have lapsed in light of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. The materials placed on record have also been perused.

3.The undisputed facts reveal that the subject property of the petitioner was reserved for the formation of a road under the Detailed Development Plan notified in the year 1998. The petitioner contends that, despite the lapse of more than two decades from the date of such notification, the respondents have neither acquired the subject land nor taken any effective steps for implementation of the proposed road



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scheme.

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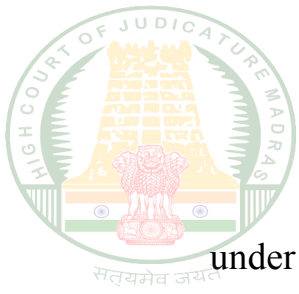
4.In this context, it would be apposite to refer to Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, which reads as follows:

“38. Release of land.—If within three years from the date of 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.”

5.A plain reading of the above provision makes it clear that where land reserved, allotted, or designated for a public purpose under a planning scheme is neither acquired nor subjected to acquisition proceedings within the time stipulated under the statute, the reservation automatically lapses by operation of law. The provision embodies a legislative safeguard intended to ensure that private property is not kept



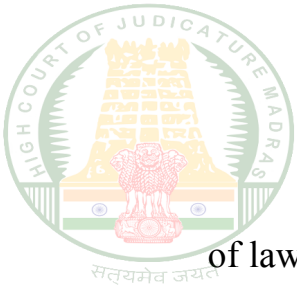
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under indefinite reservation without acquisition.

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6.In the present case, it is not disputed by the respondents that the petitioner's land was reserved for formation of a road under the Detailed Development Plan. It is equally undisputed that no acquisition proceedings have been initiated and no steps have been taken to acquire the subject property within the period contemplated under Section 38 of the Act. Nor is there any material placed before this Court to show that the land has been acquired by agreement or otherwise utilised for the purpose for which it was reserved.

7.In view of the admitted factual position and the statutory mandate contained in Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, this Court has no hesitation in holding that the reservation of the petitioner's property for the proposed road under the Sivakasi Taluk, Virudhunagar District forming part of the Sivakasi Local planning area Detailed Development Plan No. 5, has lapsed by operation



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of law and the land stands released from such reservation.

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8. Accordingly, the declaration sought for by the petitioner is granted. The respondents are directed to carry out all consequential changes and necessary corrections in the relevant planning, revenue, and municipal records so as to reflect the release of the petitioner's property from the reservation made under the Detailed Development Plan.

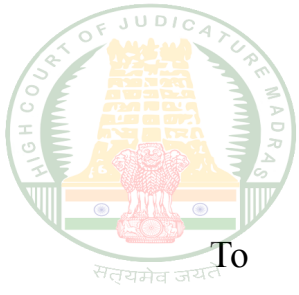
9. It is made clear that the petitioner shall be entitled to enjoy, possess, and deal with the subject property in accordance with law, subject to compliance with all applicable statutory requirements.

10. With the above directions, the writ petition stands allowed.

There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
cmr

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HEMANT CHANDANGOUDAR, J.

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