



W.P.(MD)No.3113 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.3113 of 2026

S.Athappan

... Petitioner

VS.

1. The Director
O/o.Town and Country Planning
2nd, 3rd and 4th Floor
C Market Road
Koyambedu
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,
Thiruchirapalli District

... Respondents

PRAYER: Writ Petition, 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 Petitioners land situated at Tiruchirapalli Corporation, Old Ward 3, Old Block 39, Old T.S.No.3855 (Part), Now K.Abishekapuram Zone, NEW COLONY, New Ward G,



W.P.(MD)No.3113 of 2026

Block 14, T.S.No. 25 Thiruthanthoni Village to an extend of 7976 sq.ft from Thiruchirappalli Salai Road Extension Town Development Plan Scheme, Map.No.2, 3 and 4. dated 20.12.1995 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 Honble High Court and pass such further or other orders as this Honble High Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

For Petitioner :Mr.K.Viralinathan
For Respondents :Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

1. The petitioner is before this Court seeking issuance of a Writ of Declaration declaring that the reservation of the petitioner's land situated at Tiruchirapalli Corporation, Old Ward 3, Old Block 39, Old T.S. No. 3855 (Part), now K. Abishekapuram Zone, New Colony, New Ward G, Block 14, T.S. No.25, Thiruthanthoni Village, to an extent of 7976 sq.ft, reserved for the formation of a project road, is deemed to have lapsed by operation of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971.



W.P.(MD)No.3113 of 2026

WEB COPY

2. The subject land was reserved for a project road under a Detailed Development Plan issued by the second respondent in the year 1995. It is the case of the petitioner that, till date, the said land has not been utilized for the purpose for which it was reserved. It is further brought to the notice of this Court that the third respondent has recommended to the second respondent for deletion of the subject land from the Detailed Development Plan in which it had been reserved for the project road.

3. Since no acquisition proceedings have been initiated or completed within the period prescribed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the reservation of the land cannot continue indefinitely. When land reserved under a Detailed Development Plan is not acquired within the stipulated period, the reservation is deemed to have lapsed by operation of Section 38(b) of the said Act.



W.P.(MD)No.3113 of 2026

4. In the present case, the Detailed Development Plan was issued in the year 1995, and admittedly, the land has not been acquired or utilized for the designated purpose even after the lapse of several years. Therefore, by operation of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971, the reservation of the subject land is deemed to have lapsed.

5. Accordingly, this Writ Petition is allowed, and it is declared that the reservation of the petitioner's land for the project road under the Detailed Development Plan has lapsed by operation of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971. The petitioner is at liberty to develop the said property in accordance with law. No costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
gvn

10.03.2026



W.P.(MD)No.3113 of 2026

WEB COPY

To:

1. The Director
O/o.Town and Country Planning
2nd, 3rd and 4th Floor
C Market Road
Koyambedu
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,
Thiruchirapalli District.



WEB COPY



W.P.(MD)No.3113 of 2026

HEMANT CHANDANGOUDAR, J.

gvn

W.P.(MD)No.3113 of 2026

10.03.2026