



W.P(MD)No.5601 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.5601 of 2026

K.P.Balaji

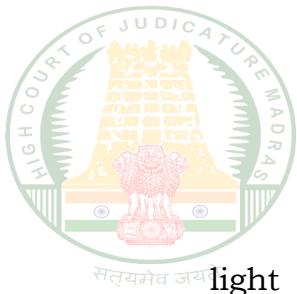
.. Petitioner

Vs

- 1.The Director,
Town and Country Planning,
No.807, Anna Salai,
Chennai.
- 2.The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar,
2nd Street, Medical College Road,
Thanjavur District.
- 3.The Commissioner,
Kumbakonam Municipal Corporation,
Kumbakonam.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents 1 and 2 herein to release petitioner's property comprised in Old Town Survey No. 191 new no.191/4 to an extent of measuring 1800 Sq.ft and plot No. 23A situated at Noor Nagar Municipal 1st ward Kumbakonam Town, Thanjavur District which is earmarked for Scheme road (Thitta Salai) detail Development Plan as lapsed in the



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light of Section 38 of Tamil Nadu Town And Country Planning Act 1971 and consequently direct the respondents to regularize the plot and grant plan approval within the time stipulated by this Court.

For Petitioner : Mr.A.Senthilkumar

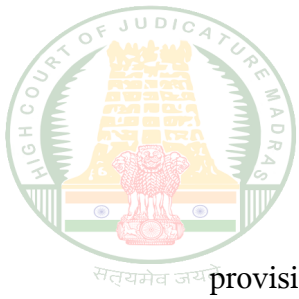
For Respondents : Mr.R.Ramasamy
Spl. Govt. Pleader for R1 and R2
Mr.B.Jameelarasu
Standing Counsel for R3

ORDER

The petitioner is before this Court seeking a direction to respondents 1 and 2 to release the petitioner's property comprised in Old Town Survey No.191, New Survey No.191/4, measuring an extent of 1,800 sq.ft., being Plot No.23A situated at Noor Nagar, Municipal First Ward, Kumbakonam Town, Thanjavur District.

2.The case of the petitioner is that the said plot was reserved for a Scheme Road under the Detailed Development Plan published in the year 1972. According to the petitioner, the respondents have not acquired the said land within the period prescribed under the Tamil Nadu Town and Country Planning Act, 1971. Therefore, the reservation is deemed to have lapsed by operation of Section 38 of the Act.

3.The respondent Corporation has filed its objections contending that the plot in question was earmarked as a road in an unapproved layout and, therefore, the



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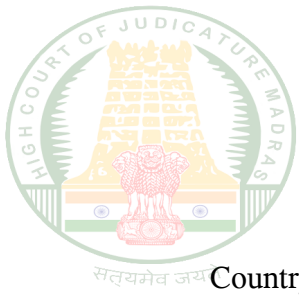
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provisions of Section 38 of the Act would not apply. It is further contended that the road has vested with the Corporation and that the petitioner has no subsisting right over the property.

4.The respondent Corporation has produced the Detailed Development Plan. A perusal of the same reveals that Plot No.23A has been specifically shown as a Scheme Road. Further, in the information furnished by the respondent Corporation under the Right to Information Act, it has been stated that there are no records to establish that the said plot was surrendered to the Corporation through any registered instrument, nor are there records evidencing that possession of the land was handed over to the Corporation.

5.In such circumstances, the contention of the respondent Corporation that the land stood vested in it by virtue of its being shown as a road in an unapproved layout raises disputed questions of fact. Whether the plot was earmarked as a road in an unapproved layout and whether any rights accrued to the Corporation on that basis are issues which require adjudication before the appropriate forum and cannot be conclusively determined in the present writ proceedings.

6.However, insofar as the reservation of the land as a Scheme Road under the Detailed Development Plan is concerned, it is not in dispute that no acquisition proceedings were initiated or completed within the statutory period prescribed under the Act. Consequently, by operation of Section 38 of the Tamil Nadu Town and



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Country Planning Act, 1971, the reservation of the land for the Scheme Road is deemed to have lapsed.

7. Accordingly, it is declared that the reservation of Plot No.23A comprised in Old Town Survey No.191, New Survey No.191/4, measuring an extent of 1,800 sq.ft., as a Scheme Road under the Detailed Development Plan has lapsed and the land stands released from such reservation.

8. It is made clear that this declaration is confined only to the reservation under the Detailed Development Plan. The question as to whether the plot was earmarked as a road in an unapproved layout and whether any rights have accrued to the respondent Corporation on that basis is left open to be adjudicated in appropriate proceedings before the competent forum.

9. With the above declaration and observations, the writ petition stands disposed of. No costs.

09.06.2026

NCC : Yes/No

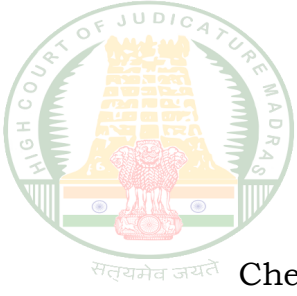
Index : Yes/No

Internet:Yes

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To

1. The Director,
Town and Country Planning,
No.807, Anna Salai,



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2.The Member Secretary,
Thanjavur Local Planning Authority,
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HEMANT CHANDANGOUDAR, J.

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