



W.P.(MD)No.6637 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.6637 of 2026

Vruksha Promoters
Represented through the Managing Partner Raja
S/o. Parisutham
2nd Street
Parisutham Nagar
Thanjavur District - 613 007.

... Petitioner

vs.

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

2. The Joint Director / Member Secretary
Directorate of Town and Country Planning Office
Trichy Region
Kajamalai Main Road
Tiruchirapalli - 620 023.

... 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 No.1 and 2 to release the petitioners land with an extent of 82 cent in Old Survey No.95/1, New Survey No.95/1B which is situated



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at Pitchandarkovil Village, Mannachanallur Taluk, Tiruchirappalli District treating the Coleroon North Detailed Development Plan No.7 as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner :Mr.R.Karunanidhi
For Respondents :Mr.P.Subbaraj
Special Government Pleader

ORDER

1. The petitioner is before this Court seeking issuance of a Writ of Mandamus directing respondents 1 and 2 to release the petitioner's land measuring an extent of 82 cents in Old S.No.95/1, New S.No.95/1B, situated at Pitchandarkovil Village, Mannachanallur Taluk, Tiruchirappalli District, by treating the "Coleroon North Detailed Development Plan No.7" as having lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2. Heard the learned counsel appearing on either side.



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3. The land in question was included in the Coleroon North Detailed Development Plan published in the year 2009. However, no acquisition proceedings have been initiated. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, 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.”



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4. The issue involved in the present writ petition is squarely covered by the order passed by this Court in W.P.(MD) No.8515 of 2021, dated 25.06.2021, wherein it has been consistently held that if the land is not acquired within a period of three years from the date of publication of the detailed development plan, the land shall be deemed to have been released from such reservation. Reference was made to the following decisions:

(i) M. Amsavalli vs. Director of Town and Country Planning, (2017) 2 CWC 418;

(ii) R.M. Shanmuganathan vs. Director of Town and Country Planning, (2018) 2 CWC 20;

(iii) W.P.(MD) No.5652 of 2019 (L.K.S. Mohammed Meera Mohaideen vs. Director of Town and Country Planning);

(iv) W.A.(MD) No.485 of 2020 (The Director of Town and Country Planning and another vs. Muthu and others); and



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(v) W.P.(MD) No.166 of 2021 (Nagendran vs. The Director of Town and Country Planning).

In the said decision, it was held that where no steps are taken to acquire the land within the stipulated period, the scheme would lapse by operation of Section 38 of the Act.

5. Applying the above statutory mandate and the settled legal position, it is declared that the petition-mentioned land shall be deemed to have been released from the proposed detailed development plan. Consequently, as the scheme has lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, the respondents are directed to carry out the necessary mutations in the relevant revenue records.

6. This writ petition stands allowed. There shall be no order as to costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
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HEMANT CHANDANGOUDAR, J.

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