



W.P.(MD).No.7248 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-03-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.7248 of 2026

and

W.M.P.(MD).No.5950 of 2026

N.Rajeswari

... Petitioner

Vs.

1. The Director,
Directorate of Town and Country Planning,
807, Anna Salai,
Chennai - 600 002.

2. The Assistant Director,
Directorate of Town and Country Planning,
Tirunelveli Road,
Paavurchathiram,
Tenkasi District - 627808.

3. The District Collector,
The Collectorate,
Tenkasi District.

4. The Commissioner,
Tenkasi Municipality,
Anaikarai Street,
Tenkasi District.

... Respondents

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus to call for the records of the impugned paragraphs under the heading Note



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in the order in Na.Ka.No.845/2025TheMa2 dated 23.12.2025 passed by the 2nd respondent and the consequential impugned order in Na.ka.no. 73/2026/F1 dated 02.02.2026 passed by the 4th respondent and quash the same as illegal and for a consequential direction to the respondents to process the petitioners applications dated 26.08.2024 in DTCP/H/P/0001461/2024 and DTCP/H/P/0001462/2024 within the time stipulated by this Honble Court and pass such further or other orders as this Honble court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner	: Mr.O.R.Gokul Abimanyu
For R1 to R3	: Mr.S.S.Mathavan Additional Government Pleader
For R4	: Mr.P.Aathimoola Pandian Standing Counsel

ORDER

The writ petition is filed challenging the impugned orders dated 23.12.2025 and 02.02.2026.

2. Upon hearing the learned counsel for the petitioner and perusing the materials on record, it is seen that the grievance of the petitioner is that he purchased land comprised in Plot Nos. 22 and 23 in Old S.F.Nos.223/2P, corresponding to Town Survey No. 13/4. The petitioner, in the year 2025, took steps to regularize the said plots. The



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petitioner had submitted an online application dated 26.08.2024.

Pursuant to the said application, the 2nd respondent passed the impugned order dated 23.12.2025, directing the 4th respondent to verify whether the subject land falls within the master plan and to pass further orders accordingly.

3. Pursuant thereto, the 4th respondent passed the impugned order dated 02.02.2026, concluding that the petitioner's land falls within the master plan and, therefore, the petitioner's application stood rejected.

4. The contention of the learned counsel for the petitioner is that the master plan referred to is of the year 2011. It has already been held by the Hon'ble Division Bench of this court in the case of ***The Director of Town and Country Planning, Chennai vs. Muthu Velayutham @ R.Kannan*** (W.A.(MD).No.485 of 2020 dated 21.07.2020), that by taking into account Section 38 of the Town and Country Planning Act, if no steps are taken within the prescribed period, the master plan would lapse after a period of five years. Paragraph 10 of the judgement referred to supra is extracted hereunder:-



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“10. It is relevant to extract hereunder paragraph No.23 of the decision reported in **2017(1) CTC 175 (S.Anand Vs. the Secretary, Housing and Urban Development and others)**:

"23. In view of the plethora of decisions of this Court as has been quoted above, the law is well settled in this regard as the issue raised in the writ petition is no more res integra. Once the three years period is lost within the meaning of Section 37(2) proviso thereafter, Section 38 can very well be pressed in service and ultimately the land is deemed to be released from such reservation, allotment or designation. Therefore, in view of the legal provisions as well as the categorical decisions made by this Court, this Court has no hesitation to hold that the petitioner's land as claimed in this writ petition, shall deemed to be released from such reservation or allotment or designation under Section 38 of the Act and therefore, the petitioner will succeed in the writ petition."

5. The learned counsel for the petitioner has also relied upon the judgement of this Court in the case of **N.Ponnusamy @ Pongali Konnar vs. The Secretary, Housing and Urban Developments Department (W.P.No.839 of 2023 dated 30.01.2023)**.

6. In view thereof, it is for the 1st respondent to consider the application made by the petitioner by taking into account the aforesaid legal position.



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7. The writ petition is allowed on the following terms:-

- i. The impugned orders dated 23.12.2025 and 26.08.2024 shall stand set aside and the matter is remitted back to the file of the 1st respondent to consider about the validity of the master plan and accordingly take a decision on the application of the petitioner dated 26.08.2024 and pass orders thereon in accordance with law.
- ii. The aforesaid exercise shall be carried out within a period of 16 weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of the order.
- iii. No costs.
- iv. Consequently, connected miscellaneous petition is closed.

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Index: Yes
Speaking Order: Yes
Neutral Citation: No
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D.BHARATHA CHAKRAVARTHY, J.

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