



W.P.(MD)No.9120 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.04.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.9120 of 2026

Jeyamani

represented through her Power Agent,
N.Sitharaman.

... Petitioner

vs.

1.The Principal Secretary,
Housing and Urban Development (UD4(2)) Department,
Fort St. George, Chennai.

2.The Director,
Town and Country Planning Scheme,
2, 3 and 4 Second Floor,
C & P Road, Koyambedu,
Chennai - 600 107.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring that the lands comprised an extent of 3 Acres and 58 cents belonging to the petitioner, comprised in R.S. No.122/3, included in the Aruppukottai South West Extension T.P. Scheme (Part.II), which was reserved for proposal of laying of Road and Market, notified in the G.O.Ms. No.232, Housing and Urban Development, dated 25.07.2007, by the 1st respondent herein,



W.P.(MD)No.9120 of 2026

under Section 28 of Tamil Nadu Town and Country Planning Act, 1971, have lapsed and released from the reservation / designation / allotment under Sections 37 and 38 of Tamil Nadu Town and Country Planning Act, 1971, and considering the petitioner's representations including the last one dated 24.02.2026.

For Petitioner :Mr.S.Kadarkarai
For Respondents :Mr.S.S.Madhavan
Additional Government Pleader

ORDER

The petitioner is before this Court seeking issuance of a writ of declaration declaring that the reservation in respect of the petitioner's land, measuring an extent of 3 acres and 58 cents in R.S. No. 122/3, forming part of the Aruppukottai South West Extension T.P. Scheme (Part II), which was reserved for the purpose of formation of a road and market and notified in G.O.Ms. No. 232, Housing and Urban Development Department, dated 25.07.2007 by the first respondent under Section 28 of the Tamil Nadu Town and Country Planning Act, 1971, is deemed to have been released from such reservation in terms of Sections 37 and 38 of the said Act.



W.P.(MD)No.9120 of 2026

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The subject land was reserved for the formation of a road and market in the Detailed Development Plan notified on 25.07.2007. 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.”

4. In the present case, it is not in dispute that, though the subject land was reserved for a road and market in the Detailed Development Plan, no steps have been taken by the respondents either to acquire the land or to utilise the same within the period stipulated under Section 38



W.P.(MD)No.9120 of 2026

of the Act. In view of the statutory mandate contained under Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971, the reservation of the petitioner's land for the proposed road and market is deemed to have lapsed.

5. Accordingly, the declaration sought for by the petitioner is granted. The respondents are directed to carry out necessary corrections in the relevant records so as to reflect the release of the petitioner's land from such reservation. The petitioner is at liberty to enjoy the said land in accordance with law.

6. With the above directions, the writ petition stands allowed.
There shall be no order as to costs.

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

06.04.2026

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W.P.(MD)No.9120 of 2026

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HEMANT CHANDANGOUDAR, J.

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