



W.P(MD)No.10221 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.10221 of 2026

Shamsullutha

.. Petitioner

Vs

- 1.The Director of Town and Country Planning,
O/o Director of Town and Country Planning,
807, Anna Salai, Chennai.
- 2.The Joint Director,
O/o The Director of Town and Country Planning,
Tirunelveli City,
Tirunelveli District.
- 3.The Commissioner,
O/o Tirunelveli City of Municipal Corporation,
Tirunelveli 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 proposed reservation made in respect of petitioner's land situated in Survey No.25/1B measuring with an extent of 2 acres 36 cents, Palayamkottai Taluk, Melappalayam Village, Tirunelveli District as lapsed in light of section 38 of Tamil Nadu Town and Country Planning Act, 1971 (TN Act 35 of 1974) and consequently forbear the respondents herein from treating the development proposed in the said land as unauthorized development/construction.



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For Petitioner : Mr.SMA. Jinnah

For Respondents : Mr.M.Mahaboob Athiff
Govt. Advocate for R1 and R2

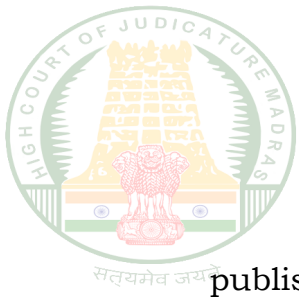
No appearance for R3

ORDER

The petitioner has approached this Court seeking issuance of a Writ of Declaration declaring that the reservation of the petitioner's land comprised in Survey No.25/1B, measuring an extent of 2 acres and 36 cents, situated in Melappalayam Village, Palayamkottai Taluk, Tirunelveli District, has lapsed by operation of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1974), and consequently to forbear the respondents from treating any development or construction undertaken in the said land as unauthorized.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. The materials placed on record have also been perused.

3.The subject property was reserved for the formation of a scheme road under Detailed Development Plan No.6, which was



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published in the year 2000. For better appreciation, Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, is extracted hereunder:

“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 although the subject land was reserved for the formation of a scheme road under the Detailed Development Plan, no steps were taken by the respondents to acquire the land within the period prescribed under Section 38 of the Act. Consequently, by virtue of the statutory deeming provision contained in Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971, the reservation in respect of the petitioner’s land stands lapsed and the land shall be deemed to have been released from such reservation.



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5.In view of the above, the relief sought by the petitioner is liable to be granted. Accordingly, it is declared that the reservation made in respect of the petitioner's land comprised in Survey No. 25/1B, measuring an extent of 2 acres and 36 cents, situated in Melappalayam Village, Palayamkottai Taluk, Tirunelveli District, has lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. The respondents are directed to carry out the necessary corrections in the relevant revenue and planning records so as to reflect the release of the subject land from reservation. The petitioner shall be entitled to enjoy and deal with the property in accordance with law.

6.However, insofar as the construction put up in the subject property is concerned, it is open to the petitioner to approach the competent authority and seek regularisation, if so advised and if otherwise permissible under law.

7.With the above directions and observations, the Writ Petition stands disposed of. There shall be no order as to costs.

11.06.2026

NCC : Yes/No

Index : Yes/No

Internet:Yes

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HEMANT CHANDANGOUDAR, J.

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