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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.(MD)No.10630 of 2026

1. R.Jothi
2. R.Ramesh
3. R.Vimalanadhan

.. Petitioners

- Vs. -

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

2. The Member Secretary,
Thanjavur Local Planning Authority,
No.5, Ganapathi Nagar 2nd Street,
Medical College Road,
Thanjavur - 613 001.

.. Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents No. 1 and 2 to release the Petitioners' land with an extent of 21184 Sq. Meters in Survey No. 50/1A, 50/2 and 50/3 situated at Vilar Village, Thanjavur Taluk, Thanjavur District treating the Vilar Detailed



Development Plan No.5 as lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioners : Mr.R.Karunanidhi
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The petitioner is before this Court seeking for a direction to the respondents to release the petitioners' land measuring 21184 Sq. Meters in Survey No. 50/1A, 50/2 and 50/3 situated at Vilar Village, Thanjavur Taluk, Thanjavur District, which was earmarked as road in the 'Vilar Detailed Development Plan No.5' published in the year 2007 by the respondents herein.

2. Heard the learned counsel on either side.

3. The petitioners' land was earmarked as road in 'Vilar Detailed Development Plan No.5' in the year 2007 and as of today, the said land has not been acquired within 5 years from the date of publication of the land.



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4. Section 38 of the Tamilnadu 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.”

5. Applying the above statutory mandate and the settled legal position, it is declared that the petition-mentioned land having not been acquired within 5 years, the reservation assigned to the said land shall be deemed to have been released from the proposed 'Detailed Development Plan No.5' and consequently as the scheme has lapsed under Section 38 of



the Act, the respondents are directed to carry out necessary mutations in the relevant revenue records.

6. This Writ Petition is allowed. There shall be no order as to costs.

20.04.2026

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

PJL

To

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HEMANT CHANDANGOUDAR, J.

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