



W.P.(MD)No.12421 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.04.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.12421 of 2026

P.Arish

... Petitioner

vs.

1.The Director,  
Directorate of Town and Country Planning,  
Chennai.

2.The Deputy Director,  
District Town and Country Planning,  
Kokkirakulam, Tirunelveli

3.The Member Secretary/Joint Director,  
District Town and Country Planning,  
Local Planning Authority, Tirunelveli.

4.The Commissioner,  
Tirunelveli Corporation, Tirunelveli.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declare that the reservation made in respect of petitioner's property measuring to an extent of 3.45 cents and situated in T.S.No.1717/3 (Part) Kulavanigarpuram Village, Palayamkottai Taluk. Tirunelveli District (presently T.S. WARD B.L, Palayamkottai part 5, block 39, T.S. No 50 northern part) forming part of



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D2D2 Scheme road in Map No.3 and 4 in T.P. / D.T.P. No.167/1969 as released by virtue of section 38 of the Town and Country Planning Act, 1971.

For Petitioner :Mr.G.Prabhu Rajadurai  
for Mr.S.Selva Aditya  
For Respondents :Mr.S.S.Madhavan  
Additional Government Pleader  
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### **ORDER**

The petitioner is before this Court seeking issuance of a writ of declaration to declare that the reservation made in respect of the petitioner's property measuring to an extent of 3.45 cents and situated in T.S.No.1717/3 (Part) Kulavanigarpuram Village, Palayamkottai Taluk. Tirunelveli District (presently T.S. WARD B.L, Palayamkottai part 5, block 39, T.S. No 50 northern part) forming part of D2D2 Scheme road in Map No.3 and 4 in T.P. / D.T.P. No.167/1969 as released by virtue of Section 38 of the Town and Country Planning Act, 1971.

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



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3. The subject land was reserved for the formation of a scheme road in the Detailed Development Plan notified on 07.07.1992. 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 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 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 is deemed to have lapsed.



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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.

7. There shall be no order as to costs.

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

**27.04.2026**

cmr



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**HEMANT CHANDANGOUDAR, J.**

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