



W.P.(MD)No.13250 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.06.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.13250 of 2026

1.T.Ezhil Murugan
2.R.Indhumathi
3.Manoharan
4.Mekhala

... Petitioners

vs.

1.The Director/Commissioner,
Directorate of Town and Country Planning,
Chepauk, Chennai 600 006.

2.The Member Secretary/Joint Director,
Tirunelveli Local Planning Authority, Tirunelveli 05.

3.The Tirunelveli City Municipal Corporation,
represented by its Commissioner,
Tirunelveli City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring the TIRUNELVELI L.P.A., PERUMALPURAM EXTENSION DETAILED DEVELOPMENT PLAN-9 earmarking the petitioner's property in T.S.ward-BM, Block No.34, Town Survey No.119 and 121/4, situated in Kulavanigarpuram village, Melapalayam, Palayamkottai, Tirunelveli city



W.P.(MD)No.13250 of 2026

Municipality Corporation, Tirunelveli District as “PROPOSED ROAD”
as lapsed in the light of Section 38 of Tamil Nadu Town and Country
Planning Act, 1971.

For Petitioners :Mr.R.J.Karthick
For R1 and R2 :Mr.M.Mahaboob Athiff
Government Advocate
For R3 :No appearance

ORDER

The petitioners are before this Court seeking issuance of a Writ of Declaration declaring that the reservation of the petitioners’ property comprised in T.S. Ward-BM, Block No.34, Town Survey Nos.119 and 121/4, situated at Kulavanigarpuram Village, Melapalayam, Palayamkottai, Tirunelveli City Municipal Corporation, Tirunelveli District, as “Proposed Road” under the Tirunelveli L.P.A. Perumalpuram Extension Detailed Development Plan No.9, has lapsed by operation of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

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



W.P.(MD)No.13250 of 2026

WEB COPY

3.The undisputed facts reveal that the subject property of the petitioners was reserved for the formation of a road under the Detailed Development Plan notified in the year 2003. The petitioners contend that, despite the lapse of more than two decades from the date of such notification, the respondents have neither acquired the subject land nor taken any effective steps for implementation of the proposed road scheme.

4.In this context, it would be apposite to refer to Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, which 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.”



W.P.(MD)No.13250 of 2026

WEB COPY

5.A plain reading of the above provision makes it clear that where land reserved, allotted, or designated for a public purpose under a planning scheme is neither acquired nor subjected to acquisition proceedings within the time stipulated under the statute, the reservation automatically lapses by operation of law. The provision embodies a legislative safeguard intended to ensure that private property is not kept under indefinite reservation without acquisition.

6.In the present case, it is not disputed by the respondents that the petitioners' land was reserved for formation of a road under the Detailed Development Plan. It is equally undisputed that no acquisition proceedings have been initiated and no steps have been taken to acquire the subject property within the period contemplated under Section 38 of the Act. Nor is there any material placed before this Court to show that the land has been acquired by agreement or otherwise utilised for the purpose for which it was reserved.



W.P.(MD)No.13250 of 2026

WEB COPY

7.In view of the admitted factual position and the statutory mandate contained in Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, this Court has no hesitation in holding that the reservation of the petitioners' property for the proposed road under the Tirunelveli L.P.A. Perumalpuram Extension Detailed Development Plan No.9 has lapsed by operation of law and the land stands released from such reservation.

8.Accordingly, the declaration sought for by the petitioners is granted. The respondents are directed to carry out all consequential changes and necessary corrections in the relevant planning, revenue, and municipal records so as to reflect the release of the petitioners' property from the reservation made under the Detailed Development Plan.

9.It is made clear that the petitioners shall be entitled to enjoy, possess, and deal with the subject property in accordance with law, subject to compliance with all applicable statutory requirements.



W.P.(MD)No.13250 of 2026

WEB COPY

10. 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

02.06.2026
(1/2)

cmr

To

1. The Director/Commissioner,
Directorate of Town and Country Planning,
Chepauk, Chennai 600 006.

2. The Member Secretary/Joint Director,
Tirunelveli Local Planning Authority, Tirunelveli 05.

3. The Tirunelveli City Municipal Corporation,
represented by its Commissioner,
Tirunelveli City.



WEB COPY



W.P.(MD)No.13250 of 2026

HEMANT CHANDANGOUDAR, J.

cmr

W.P.(MD)No.13250 of 2026

02.06.2026
(1/2)