



W.P.(MD)No.15238 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.06.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.15238 of 2026

1.Rajammal
2.Seenivasan
3.Bhageshwari
4.J.Rajendran
5.S.Seethalakshmi

... Petitioners

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& 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 to declare that the lands belonging to the petitioner, comprised in S.Nos. 6/6, 6/5 and 6/3 (old Survey Number 278/6, 278/5 and 278/3 respectively), included in the Aruppukottai Eastern Extension Scheme (Part.3), 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



W.P.(MD)No.15238 of 2026

Respondent herein, under Section 28 of Tamil Nadu Town and Country Planning Act, 1971, have lapsed and release from reservation/designation/allotment under Sections 37 and 38 of Tamil Nadu Town and Country Planning Act, 1971 and considering the the petitioners' various representations including the latest one dated 30.03.2026.

For Petitioners :Mr.S.Kadarkarai
For Respondents :Mrs.K.R.Shivashankari
Government Advocate

ORDER

The petitioners are before this Court seeking issuance of a Writ of Declration, to declare that the lands belonging to the petitioner, comprised in S.Nos. 6/6, 6/5 and 6/3 (old Survey Number 278/6, 278/5 and 278/3 respectively), included in the Aruppukottai Eastern Extension Scheme (Part.3), 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, under Section 28 of Tamil Nadu Town and Country Planning Act, 1971, have lapsed and release from reservation/designation/allotment under Sections 37 and 38 of Tamil Nadu Town and Country Planning Act, 1971.



W.P.(MD)No.15238 of 2026

WEB COPY

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.

3. The undisputed facts reveal that the subject property of the petitioners was reserved for the formation of a road and market under the Detailed Development Plan notified in the year 2007. The petitioner contends 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—



WEB COPY



W.P.(MD)No.15238 of 2026

(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.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' lands were reserved for formation of a road and market under the Detailed Development Plan. It is equally undisputed that no acquisition proceedings have been initiated and no steps have been taken



W.P.(MD)No.15238 of 2026

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.

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' properties for the proposed road and market under the Aruppukottai Eastern Extension Scheme (Part.3) 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



W.P.(MD)No.15238 of 2026

from the reservation made under the Detailed Development Plan.

WEB COPY

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.

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

08.06.2026

cmr

To

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& 4 Second Floor, C & P Road,
Koyambedu, Chennai 600 107.

6/7



WEB COPY



W.P.(MD)No.15238 of 2026

HEMANT CHANDANGOUDAR, J.

cmr

W.P.(MD)No.15238 of 2026

08.06.2026