



W.P.(MD)No.23911 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.06.2026

CORAM

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.23911 of 2024

and

W.M.P.(MD)No.20256 of 2024

G.Rajendran (Died)

2.R.Rajeshkannan

3.R.Mahalakshmi

4.R.Suresh

... Petitioners

vs.

1.The Director of Town and Country Planning,
2, 3 and 4th Floor, B, CMDA Office Campus,
E & C Market Road,
Koyambedu, Chennai - 107.

2.The Deputy Director of Town and Country Planning,
Local Planning Authority (Madurai Region),
4, Hakkeem, Ajmalkhan Road,
Chinna Chokkikulam, Madurai - 2.

3.The Member Secretary,
Theni District Local Planning Authority,
Door No.446/A, 17 Ward,
Nehruji Street, Allinagaram,
Theni - 625 531.



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4.The Commissioner,
Theni-Allinagaram Municipality,
Theni District.

... Respondents

(The petitioners 2 to 4 were impleaded as legal representatives of the writ petitioner vide order of this Court, 19.06.2026 in W.M.P.(MD)No.10851 of 2026)

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 the portion of land in T.S. Nos.10/2 pt, 11/2 pt, 4Bpt, 5 pt of BLOCK-2, WARD-FTS No.12/8 pt, 7 pt, 13/2 Bpt, 3 pt, 16/4B, 3Bpt, 5pt, 6pt, of BLOCK-1, WARD-F as “B5 B5” Road as proposed streets Roads and Lanes to be formed by the local body in the Theni Allinagaram Local Planning Area Detailed Development Plan No.VIII bearing Map No. 4DDP(MR) DTCP No.20/2010 vide proceedings in ROC No.1158/2007/DP2 dated 05.10.2007 is deemed to be lapsed and released from the reservation in the light of Section 38 of the Tamil Nadu Town and Country Plannining Act, 1971 (TN ACT 1974)

For Petitioners 2 to4	:Mr.R.Shankar Ganesh
For R1 to R3	:Mr.M.Mahaboob Athiff
	Government Advocate
For R4	:Mr.G.Kaleeswaran



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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 portion of land in T.S. Nos.10/2 pt, 11/2 pt, 4Bpt, 5 pt of BLOCK-2, WARD-FTS No.12/8 pt, 7 pt, 13/2 Bpt, 3 pt, 16/4B, 3Bpt, 5pt, 6pt, of BLOCK-1, WARD-F as “B5 B5” Road as proposed streets Roads and Lanes to be formed by the local body in the Theni Allinagaram Local Planning Area Detailed Development Plan No.VIII bearing Map No. 4DDP(MR) DTCP No.20/2010 vide proceedings in ROC No.1158/2007/DP2 dated 05.10.2007 is deemed to be lapsed and released from the reservation in the light of Section 38 of the Tamil Nadu Town and Country Plannining Act, 1971.

2.Heard the learned counsel appearing for the petitioners 2 to 4 and the learned Government Advocate appearing for the respondents. The materials placed on record have also been perused.



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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 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—

(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.”



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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 petitioner's 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.



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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 petitioner's property for the proposed road under the Theni Allinagaram Local Planning Area Detailed Development Plan No.VIII 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 petitioner's 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.



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10. With the above directions, the writ petition stands allowed.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

19.06.2026
(2/2)

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To

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2, 3 and 4th Floor, B, CMDA Office Campus,
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HEMANT CHANDANGOUDAR, J.

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