



W.P.(MD)No.31172 of 2025

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.31172 of 2025

M.S.Selvathaneshkumar

... Petitioner

vs.

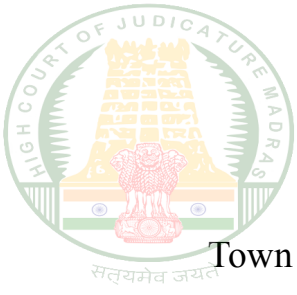
1.The Director / Commissioner,
Directorate of Town and Country Planning,
Chepauk, Chennai 600 006

2.The Member Secretary/Joint Director,
Tirunelveli Local Planning Authority,
Tirunelveli 627 005.

3.The Commissioner,
Tirunelveli City Municipal Corporation,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declare the reservation made in respect of petitioner's land to an extent of 10 cents situate at T.S.No. 260/1A1 (Old S.No.614), Block-19, T.S.Ward BP, located in Kulavanigarpuram Village, Melapalayam, Palayamkottai Taluk, Tirunelveli District in the Tirunelveli Perumalpuram Extension and Detailed Development Plan No-5 (Comprehensive Variation) Map as lapsed and deemed to be released as per Section 38 of the Tamil Nadu



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Town and Country Planning Act 1971.

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For Petitioner	:Mr.J.Yogeswaran
For R1 and R2	:Mr.M.Mahaboob Athiff
	Government Advocate
For R3	:Mr.A.Sivanupandian

ORDER

The petitioner is before this Court seeking issuance of a Writ of Declaration, to declare the reservation made in respect of petitioner's land to an extent of 10 cents situate at T.S.No.260/1A1 (Old S.No.614), Block-19, T.S.Ward BP, located in Kulavanigarpuram Village, Melapalayam, Palayamkottai Taluk, Tirunelveli District in the Tirunelveli Perumalpuram Extension and Detailed Development Plan No-5 (Comprehensive Variation) Map as lapsed and deemed to be released as per Section 38 of the Tamil Nadu Town and Country Planning Act 1971.

2.Heard the learned counsel appearing for the petitioner 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 petitioner was reserved for the formation of a park under the Detailed Development Plan notified in the year 1990. The petitioner contends that, despite the lapse of more than three 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 park 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.



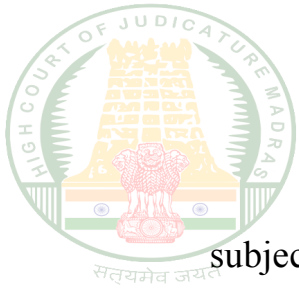
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7. In view of the admitted factual position and the statutory mandate contained in Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, this Court has no hesitation in holding that the reservation of the petitioner's property for the proposed road under the Melapalayam, Palayamkottai Taluk, Tirunelveli District in the Tirunelveli Perumalpuram Extension and Detailed Development Plan No-5 has lapsed by operation of law and the land stands released from such reservation.

8. Accordingly, the declaration sought for by the petitioner 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 petitioner shall be entitled to enjoy, possess, and deal with the subject property in accordance with law,



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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.

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

19.06.2026

cmr

To

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Chepauk, Chennai 600 006

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HEMANT CHANDANGOUDAR, J.

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