



WP(MD). No.34947 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04/03/2026

CORAM

THE HON'BLE MR. JUSTICE HEMANT CHANDANGOUDAR

WP(MD). No.34947 of 2025

Rm Ramasubbu

... Petitioner

Vs

1. The Director of Town and Cou,
Ntry Planning, Cmda Building,
Koyambedu,
Chennai - 600 017..

2. The Commissioner,
Tiruchirappalli Corporation,
Tiruchirappalli..

3. The Joint Director of Town
and Country Planning,
Tiruchirappalli,
Tiruchirappalli District..

4. The Member Secretary,
Local Planning Authority,
Tiruchirappalli,
Tiruchirappalli District..



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5. The Assistant Director
of Town and Country Planning,
Tiruchirappalli,
Tiruchirappalli District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the reservation made in respect of the land to an extent of 12.38 cents under Doc. No.4645/2024 dated 04.11.2024 comprised in Old Survey No.131/1C. New Survey No. 131/1C1A in New Ward-1, New Block-12, T.S.No. 7/3B, Pandamangalam Village, Tiruchirappalli Taluk, Tiruchirappalli District, under the Pandamangalam Detailed Development Plan No.4 published in Trichirappalli District Gazette issue No.1 dated 13.07.2001 and approved in Roc. No. 14828/05 DP-3 dated 08.03.2011 by the 1st Respondent to have lapsed in the light of the Section 38 of Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act of 1972) within the time stipulated by this Court.

For Petitioner : Mr.K. Ponnaiah

For Respondents : Mr.S.S.Madhavan,
Additional Government Pleader

ORDER

The petitioner is before this Court seeking a declaration that the designation of the property in Old Survey No.131/1C, New Survey No.131/1C1A, New Ward-1, New Block-12, T.S. No.7/3B, Pandamangalam Village, Tiruchirappalli Taluk and District, as a road under the Pandamangalam Detailed Development Plan No.4



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is deemed to have lapsed by operation of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2. The said property was designated as a road in the Detailed Development Plan published by the competent authority on 13.07.2001.

3. The third respondent has filed a counter affidavit stating that since the land falls under the Detailed Development Plan and has been designated as a road for public purpose, such designation would not lapse by operation of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971.

4. Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971 stipulates that if the land reserved, allotted or designated for any purpose under a regional plan, master plan, detailed development plan or new town development plan is not acquired within a period of three years from the date of



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publication of the notice under the Act, such land shall be deemed to be released from such reservation or designation.

5. In the present case, the Detailed Development Plan designating the land as a road was published on 13.07.2001. Admittedly, the said land has not been acquired within a period of three years from the date of publication of the plan. Therefore, by operation of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971, the designation assigned to the said land is deemed to have lapsed.

6. A Co-ordinate Bench of this Court in W.P.(MD) No.29125 of 2023, by order dated 06.01.2025, has held that when the land reserved under the Detailed Development Plan has not been acquired within the mandatory period prescribed under Sections 37 and 38 of the Tamil Nadu Town and Country Planning Act, 1971, such land shall be deemed to be released from the reservation.



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7. In the light of the above statutory provision and the judicial pronouncement referred to above, the designation of the petitioner's land as a road in the Detailed Development Plan is deemed to have lapsed and the land stands released from such reservation.

8. Accordingly, this Writ Petition stands allowed declaring that the designation of the petitioner's land as a road in the Detailed Development Plan has lapsed and the land is deemed to have been released from such designation. The petitioner is at liberty to enjoy the said land absolutely in accordance with law. No costs.

CM

04.03.2026



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HEMANT CHANDANGOUDAR, J

CM

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