



W.P.(MD)No.35671 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2026

CORAM :

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.(MD)No.35671 of 2025

and

W.M.P.(MD).No.28275 of 2025

1. Anand Vignesh Kumar
2. Vijaya Lakshmi

... Petitioners

vs.

1. The Director
Directorate of Town and Country Planning
2nd, 3rd and 4th Floor,
C and E Market Road,
Koyambedu, Chennai - 600 107.

2. The Member Secretary
Madurai Local Planning Authority
Sector-6, Aanaiyur - Mudakkathan Main Road
Koodalputhur, Madurai - 625017

... Respondents

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the Respondents No.1 and 2 to release the petitioners land measuring of 70 cent situated at Revenue Survey No.206/2B1 in Avaniyapuram, Madurai South Taluk, Madurai District treating the Avaniyapuram Detailed Development Plan No.1 (Map No.3 of Madurai Local Planning Area as



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lapsed under Section 38 of Tamil Nadu Town Country Planning Act, 1971 and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner :Mr.R.Karunanidhi

For Respondent :Mr.P.Subbaraj
Special Government Pleader

ORDER

1. The petitioner is before this Court seeking issuance of a Writ of Mandamus directing respondents 1 and 2 to release the petitioner's land bearing Survey No.206/2B1, measuring an extent of 70 cents, situated at Avaniyapuram, Madurai South Taluk, Madurai District, by treating the "Avaniyapuram Detailed Development Plan No.1 (Map No.3)" of the Madurai Local Planning Area as having lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

2. The petitioner states that he is the owner of the aforesaid land, which was included in the Avaniyapuram Detailed Development Plan. According to the petitioner, lands reserved under the said Detailed Development Plan would be deemed to be released under Section 38 of the Act, unless such lands are acquired by agreement within a period of three



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years from the date of publication of notice in the Tamil Nadu Government Gazette. In the present case, the Detailed Development Plan was approved in the year 2011, and no steps have been taken by the respondents to acquire the land within the prescribed period. Therefore, the petitioner contends that the reservation has lapsed by operation of law.

3. The petitioner has also relied upon earlier judgments of this Court, particularly in R.M. Shanmuganathan vs. The Director of Town and Country Planning (2018 (2) CWC 20) and M. Amsavalli vs. The Director of Town and Country Planning (2017 (2) CWC 418), in support of his claim.

4. Mr. P. Subbaraj, learned counsel appearing for the respondents, submitted that the petitioner is entitled to the benefit of the above-mentioned judgments.

5. This Court, upon considering the submissions and examining Section 38 of the Tamil Nadu Town and Country Planning Act, 1971, finds that where land is not acquired by agreement within a period of three years from the date of publication of notice under Section 26 or 27, such land shall be deemed to be released.



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6. In view of the above statutory provision and in light of the judgments cited, this Court is of the opinion that the petitioner is entitled to the relief sought.

7. Accordingly, this Writ Petition is allowed, and the respondents are directed to treat the reservation of the petitioner's land in Survey No. 206/2B1, measuring 70 cents, situated at Avaniyapuram, Madurai South Taluk, Madurai District, under the Avaniyapuram Detailed Development Plan as having lapsed under Section 38 of the Tamil Nadu Town and Country Planning Act, 1971. No costs. Consequently, the connected miscellaneous petition is closed.

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

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HEMANT CHANDANGOUDAR, J.

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