



W.P(MD)No.36388 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.36388 of 2025

1.Palanikumar
2.P.Chitra

.. Petitioners

Vs

1.The Director
Directorate of Tamil Nadu Town and Country Planning,
Nos.2, 3 & 4th Floor,
CMDA Office Compound,
E & C Market Road, Koyambedu,
Chennai - 98.

2.The Assistant Director cum Member Secretary,
District Town and Country Planning Office,
Sivagangai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration declaring that the reservation in respect of the lands belonging to the petitioners comprised in T.S. No.15/1 and T.S. No.15/2, Ward-K, Block No.2, Devakottai Municipality, Sivagangai District under the Devakottai Local Planning Area Detailed Development Plan has lapsed in terms of Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 within the time stipulated by this Court.



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For Petitioners : Mr.R.Vinodh
For Respondents : Mr.S.Kameswaran
Govt. Advocate

ORDER

The petitioner is before this Court seeking issuance of a Writ of Declaration declaring that the reservation in respect of the land belonging to the petitioners, comprised in T.S.No.15/1 and T.S.No. 15/2, Block No.2, Devakottai Municipality, Sivagangai District, under the Devakottai Local Planning Area Detailed Development Plan, has lapsed by operation of Section 38(b) of the Tamil Nadu Town and Country Planning Act, 1971.

2. The subject lands were reserved for a scheme road under the Development Plan dated 01.03.2002. Though the lands were so reserved, the respondents did not take any steps to acquire the same as contemplated under Section 38 of the Act, 1971. Section 38 of the Act deals with the release of land and provides that if, within five years from the date of publication of the notice in the Tamil Nadu Government Gazette under Section 26 or 27, the land is not required by the Government, it shall be deemed to be released from such reservation, allotment, or designation, as per clause (b) of Section 38



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of the Act. In the present case, the lands were notified for a scheme road in the Development Plan dated 01.03.2002 and, till date, have not been acquired under Section 38 of the Act.

3.In the counter filed by the second respondent, it is stated that the scheme is still in existence and that the land has not been acquired under Section 37 of the Act. The delay is not attributable to the petitioner, and the respondents are mandatorily required to acquire the land within five years from the date of publication; failing which, the reservation in respect of the subject land is deemed to have been released, as provided under Section 38(b) of the Act.

4.In light of the provisions contained in clause (b) of Section 38 of the Act, this writ petition is allowed. It is declared that the subject lands are released from reservation, and the petitioner is entitled to enjoy the same absolutely in accordance with law. No costs.

23.03.2026

NCC : Yes/No

Index : Yes/No

Internet:Yes

skn



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HEMANT CHANDANGOUDAR, J.

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