



W.P.(MD)No.5402 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5402 of 2025

Soumya Raja

: Petitioner

Vs.

1. The Director,
Town and Country Planning,
No. 807, Anna Salai,
Chennai 600 002.

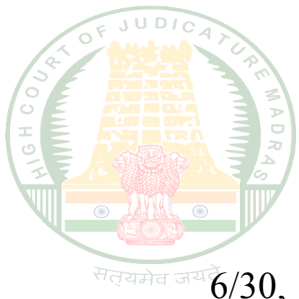
2. The Deputy Director of Town,
And Country Planning, 446a, Ward No. 17,
Nehruji Street,
Allinagaram,Theni 625 531.

3. The Member Secretary,,
Local Planning Authority,
Cumbum Municipality,
Cumbum 625 516,
Theni District.

4. The Commissioner,
Cumbum Municipality,
Cumbum 625 516,
Theni District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to release the petitioners land with an extent of 436 square feet in T.S.No.



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6/30, Old T.S.No. 6/4, Survey Ward D, Block 25, situated at Cumbum Town, Theni District earmarked for the The Detailed Development Plan Detailed Development Plan No. 5 of Cumbum Local Planning Authority as lapsed as per section 38 of the Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.M.Karuppasamypandian

For Respondents : Mr.C.Venkatesh Kumar

Special Government Pleader
for R1 to R3

ORDER

The present writ petition has been filed seeking a direction to the respondents to release the petitioner's land with an extent of 436 square feet in T.S.No. 6/30, Old T.S.No. 6/4, Survey Ward D, Block 25, situated at Cumbum Town, Theni District, earmarked for the Detailed Development Plan No.5 of Cumbum Local Planning Authority by treating the Detailed Development Plan No.5 of Cumbum Local Planning Authority as lapsed as per Section 38 of the Tamil Nadu Town and Country Planning Act, 1971.



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2. Heard, the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3. By consent of both parties and also considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

3. The petition mentioned land was shown as earmarked for scheme road in the Detailed Development Plan published in the year 1994. It is beyond dispute that consequential steps for acquisition were not taken within three years thereafter. Section 38 of the Tamil Nadu Town and Country Planning Act, 1971 reads as follows:

“38. Release of land.- If within three years from the date of the 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



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*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.”*

Applying the statutory mandate, it is declared that the petition mentioned reservation is deemed to have lapsed. The relief sought for by the petitioner is granted. The respondent is directed to make necessary changes in the relevant records.

4. This writ petition is allowed accordingly. There shall be no order as to costs.

28.02.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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