BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.05.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.13946 of 2025

M/s.RSR Infra Developers Private Limited,
Represented by its Managing Director,
Mr.S.Rajagopal,
S/o. Sudalaikannu,
Door No.97, Rajaraajeshwari Nagar,
NGO B Colony,
Perumalpuram Post,
Palayamkottai Taluk,
Tirunelveli District. : 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 – 05.

https://www.mhc.tn.gov.in/judis (Uploaded on: 09/05/2025 05:02:13 pm)

3.The Tirunelveli City Municipal Corporation,
Represented by its Commissioner,
Tirunelveli City. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Declaration, declaring the Tirunelveli L.P.A., Perumalpuram Extension Detailed Development Plan – 9 Comprehensive Variation Map No.5, issued by the first and second respondent in DDP (V)/DTCP No.7/2003 vide proceedings in Roc.No. 19707/99 DP1 dated .07.2023 earmarking the petitioner's property in Survey No.731/1; Town Survey No.175/1, Survey No.737/2; Town Survey No.176 and Survey No.737/4; Town Survey No.172/1, situated in Kulavanigarpuram Part-3, Ward BM, Melapalayam Town, Palayamkottai Taluk, Tirunelveli District as "PROPOSED ROAD" as lapsed in the light of Section 38 of Tamil Nadu Town and Country Planning Act, 1971.

For Petitioner : Mr.R.J.Karthick
For Respondents 1 & 2 : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The petitioner seeks issuance of a Writ of Declaration to declare Tirunelveli L.P.A., Perumalpuram Extension Detailed Development Plan – 9 Comprehensive Variation Map No.5, issued by the first and second respondents in DDP (V)/DTCP No.7/2003 vide proceedings in Roc.No.19707/99 DP1 dated .07.2023, earmarking petitioner's property in Survey No.731/1; Town Survey No.175/1, Survey No.737/2; Town Survey No.176 and Survey No.737/4; Town Survey No.172/1, situated in Kulavanigarpuram Part-3, Ward BM, Melapalayam Town, Palayamkottai Taluk, Tirunelveli District as "PROPOSED ROAD" as lapsed in the light of Section 38 of "the Tamil Nadu Town and Country Planning Act, 1971" [hereinafter referred to as "the Act" for brevity].

2.It is the specific case of the petitioner that the impugned proceedings initiated by the respondents are arbitrary and against the provisions of the Act. The primordial contention of challenge in the Writ Petition is that the entire acquisition was not completed within three years and no declaration was also made under Section 37(2) of the Act, within the said period.

https://www.mhc.tn.gov.in/judis (Uploaded on: 09/05/2025 05:02:13 pm)

3.Learned Counsel for the petitioner would rely on a decision of this Court in W.P.(MD)No.11512 of 2023 dated 11.05.2023, where this Court in a similar matter pertaining to release of lands under Section 38 of the Act held that the Detailed Development Plan would stand lapsed if the authorities have not completed the acquisition process within a period of three years.

4.Learned Additional Government Pleader, on instructions submits that the acquisition process in the present case commenced in the year 2019. Therefore, the ratio laid down by this Court in W.P.(MD)No.11512 of 2023 dated 11.05.2023, would squarely apply to the facts of the present case. Accordingly, the petitioner is entitled to a Writ of Declaration.

5.Accordingly, the Writ Petition stands allowed. There shall be no order as to costs.

08.05.2025

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

To

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 – 05.

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