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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.

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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.

THE LANDLENS SUITE

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Verify My Land
Every record check run on one property and returned as a single report.
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Legal Opinion
An advocate's written opinion on the title, built on the records we pull for it.
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One Map
Every layer on one map: the parcel, its boundary, zoning, water bodies and what sits around it.
/landlens/one/map

PriceMap
What land actually changed hands for around this plot, taken from the registered deeds.
/landlens/pricemap

Build Scope
What you are allowed to build here: floor space, height, coverage and setbacks.
/landlens/build-scope

Property Tracker
Watch a property and hear about it when something new is registered against it.
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Deal Room
Run the transaction in one place: documents, stamping, signatures and the parties.
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- Patta and Chitta
- Field Measurement Sketch
- EC Analyzer
- Bank charge check
- Court case search
- Seller background check
- Approval check by survey

Value and duty

What it is worth and what it costs to register.

- Guideline value by street
- Guideline value by survey
- Stamp duty and registration fees
- Capital gains
- Floor space index
- Area unit converter

Zoning and land use

What the plan says can happen on this land.

- Land use zone finder
- CMDA land use check
- Coastal regulation zone
- Master plan check
- Water bodies finder
- Airport height clearance

Registers and directories

Who holds it, and which office keeps the record.

- Find your registering office
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- Waqf property check
- RERA register

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OMR Thoraipakkam,
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