

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.03.2019
CORAM:
THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
WP.No.16365 of 2018

Rahul Saraf

... Petitioner

Vs

1.Chairman

Tamil Nadu Real Estate Regulatory Authority
and the Principal Secretary to Government
Housing and Urban Development Department
CMDA-Tower II (1st Floor)
No.1A, Gandhi Irwin Bridge Road
Egmore, Chennai-600 008

2.Ozone Projects Private Limited
rep. by its Authorized Signatory
No.63, G.N.Chetty Road
T.Nagar, Chennai-600 017

... Respondents

Prayer:- The Writ Petition is filed, under Article 226 of Constitution of India, to issue a writ of Mandamus to direct the 1st respondent to consider the complaint filed against the 2nd respondent bearing Notice No.424 of 2017 on merits and pass orders within a time frame.

For Petitioner : Mr.P.Mohan Prasad
For Respondents : Mr.V.Shanmuga Sunder,
Spl.G.P., for R1.
Mr.P.V.Balasubramaniam
for M/s.BFS Legal, for R2

ORDER

This Writ Petition is filed, praying to issue a writ of Mandamus to direct the 1st respondent to consider the complaint filed against the 2nd respondent bearing Notice No.424 of 2017 on merits and pass orders within a time frame.

2. It is the case of the Petitioner that Petitioner entered into agreement with the 2nd respondent based on the promise made by the 2nd respondent with regard to delivery of possession, however the petitioner was deprived of the right of having his own flat from the year 2014 and has been pushed to a state wherein he has to show constraint and restrain himself into living in a rental apartment for the unexplained delay of the 2nd respondent. The Petitioner was forced to seek remedy before the 1st respondent by way of filing a complaint under the Real

Estate (Regulation and Development) Act, 2016 against the 2nd respondent on 31.10.2017 which was numbered as Notice No.424 of 2017 and notice was duly served on the 2nd respondent. The petitioner submits that the delay in adjudicating the complaint No.424 of 2017 is causing undue hardship to the petitioner and therefore, this Writ Petition is filed with the above prayer.

3. The learned Special Government Pleader appearing for the 1st respondent would submit that the complaint preferred by the Petitioner will be considered on merits and in accordance with law, after providing opportunity to the parties concerned.

4. Considering the limited scope of the Prayer in the Writ Petition, without expressing any opinion on the merits of the matter, the 1st respondent is directed to consider the complaint filed by the Petitioner and pass orders on merits and in accordance with law, after providing opportunity to the parties concerned, as expeditiously as possible, preferably within twelve weeks from the date of receipt of a copy of this order, after providing opportunity to the parties concerned.

5. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Chairman

Tamil Nadu Real Estate Regulatory Authority
and the Principal Secretary to Government
Housing and Urban Development Department
CMDA-Tower II (1st Floor)
No.1A, Gandhi Irwin Bridge Road
Egmore, Chennai-600 008

+1 cc to M/s.BFS Legal, Advocate Sr.No.29312
+1 cc to The Government Pleader, Sr.No. 30463

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CSL/03.06.2019