

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2021

CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

W.P.No.8526 of 2021
and W.M.P.Nos.9081 and 9083 of 2021

M/s.TK Housing and Constructions,
Rep by its sole proprietor Mr.T.Kumar,
Having Office at Plot No.1,
Thirukumaran Nagar, Jasmine Grove,
Eachankaranai, Behind Mahindra World City,
Chennai 603 002 ...Petitioner

Vs

1. The Tamil Nadu Real Estate Regulatory Authority (TNRERA),
No.1-A, CMDA Tower, 1st Floor,
Gandhi Irwin Bridge Road,
Chennai -600 008.
2. The Adjudicating Officer,
Office of the Adjudicating Officer,
The Tamil Nadu Real Estate Regulatory Authority (TNRERA),
No.1-A, CMDA Tower, 1st Floor,
Gandhi Irwin Bridge Road,
Chennai -600 008.
3. B.Geethapriya Arivazhagan
4. Arivazhagan Moorthy ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of certiorari, calling for the records in the order dated 17.03.2021 passed in E.A.No.1 /2021 in E.P.No.6 of 2019 in C.No.215 of 2019 on the file of the first respondent and quash the same.

For Petitioner : Mr.K.Mukund Rao
For Respondents 3 & 4 : Mr.Praveenath

ORDER

The petitioner has challenged the impugned order dated 17.03.2021 on the ground that the same is illegal and arbitrary,

as it has been passed contrary to the orders passed by the Division Bench of this Court in W.P.No.3353 of 2020 and W.M.P.No.3892 and 3894 of 2020 dated 17.02.2020. The following order was passed by the Division Bench of this Court.

"Notice to the respondents returnable in two weeks. Post the matter after two weeks.

There shall be an order of status quo as on today to be maintained by both the parties till then."

2. The learned counsel for the petitioner drew the attention of this Court to the impugned order and would submit that despite the order of the Division Bench of this Court, the first respondent is proceeding with the Execution Petition No. 6 of 2019 filed by the respondents 3 and 4.

3. Mr.Praveenath, learned counsel accepts notice on behalf of the respondents 3 and 4 and he undertakes to file vakalat on their behalf. He would submit that the petitioner, who is having an Arbitral award in its favour against the respondents 3 and 4, has also not maintained status-quo by taking further steps in the execution petition filed by them to execute the award against the respondents 3 and 4.

4. The learned counsel for the petitioner, on instructions, would submit that till W.P.No.3353 of 2020 is disposed of by the Division Bench of this Court, the petitioner will not execute the Arbitral award passed in favour of the petitioner against the respondents 3 and 4.

5. Similarly learned counsel for the respondents 3 and 4 on instructions would submit that the respondents 3 and 4 will not take further steps against the petitioner to execute the final order dated 20.06.2019 passed by the first respondent in their favour against the petitioner in C.No.215 of 2019 till the disposal of W.P.No.3353 of 2020 by the Division Bench of this Court. The respondents 3 and 4 have also undertaken to file a memo to that effect before the first respondent in the impugned proceedings.

6. After recording the rival submissions, the following directions are issued:

(a) The petitioner will not take any further steps to execute the Arbitral award passed in their favour against the respondents 3 and 4 till the disposal of W.P.No.3353 of 2020 by the Division Bench of this Court. The petitioner also undertakes that no further steps in E.P.No.17 of 2021 pending on the file of the learned Principal District Court, Chengalpet,

shall be taken by the petitioner for executing the Arbitral Award passed in their favour pending disposal of W.P.No.3353 of 2020 by the Division Bench of this Court.

(b) The respondents 3 and 4 shall not take any further steps to execute the final order dated 20.06.2019 passed in their favour in C.No.215 of 2019 against the petitioner by the first respondent and the respondents 3 and 4 also undertakes that they shall file a memo to that effect before the first respondent.

7. With the aforesaid directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Principal District Judge, Chengalpat.
2. The Tamil Nadu Real Estate Regulatory Authority (TNRERA),
No.1-A, CMDA Tower, 1st Floor,
Gandhi Irwin Bridge Road,
Chennai -600 008.
3. The Adjudicating Officer,
Office of the Adjudicating Officer,
The Tamil Nadu Real Estate Regulatory Authority (TNRERA),
No.1-A, CMDA Tower, 1st Floor,
Gandhi Irwin Bridge Road,
Chennai -600 008.

+1 cc to M/s.K.Mukund Rao, Advocate Sr No.21657

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PL(CO)
RG.26.04.2021(3P/5c)