



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P. No. 10101 of 2021
and
W.M.P. No. 10731 of 2021

Dr.P.Rammohan

..Petitioner

Versis

1. The Tamil Nadu Real Estate
Regulatory Authority,
rep. by its Chairman,
Door No.1-A, I Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai 600 008.
2. The Registrar of Societies and
District Registrar (Administration),
South Chennai, Nandanam,
Chennai 600 035.
3. Mr.Sanjay Dutt,
Managing Director and Chief
Executive Officer,
TATA Value Homes,
E-Block, Voltas Compound,
T.B.Kadam Marg,
Chinchpokil, Mumbai 400 033.
4. Santorini Apartment Owners Association,
PYROS Tower Santorini Apartments,
451, Padur Road,
Kuthambakkam P.O.,
Poonamallee Taluk,
Chennai 600 124
(Cause title of fourth respondent
amended as per order dated
6.7.2021 in WMP.11842/2021)

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to ensure total compliance of his order issued in C. Nos. 75, 84, 85 and 86 dated 10.03.2021 by the other respondents



WEB COPS

and direct the second respondent to take action on the complaints made by the petitioner dated 15.09.2020, 28.12.2020 and 18.3.2021 within a time frame that may be stipulated by this Court and consequently forbear the third respondent from handing over the maintenance of the project to the fourth respondent.

For Petitioner : Mr. D. Daniel

For Respondents : Mr. Stalin Abhimanyu
Government Advocate for R1 & R2
Ms. Arthi Lakshminarayan for R3
Mrs. Dakshayini Reddy for R4

O R D E R

The petitioner has come up with this Writ Petition praying to issue a Writ of Mandamus directing the first respondent to ensure total compliance of his order issued in C.Nos.75, 84, 85 and 86 dated 10.03.2021 by the other respondents and direct the second respondent to take action on the complaints made by him on 15.09.2020, 28.12.2020 and 18.3.2021 within a time frame that may be stipulated by this Court and to forbear the third respondent from handing over the maintenance of the project to the fourth respondent.

2. The petitioner has purchased Flat No.3, Third Floor, KORFOSE, "E" Block in the project developed by the third respondent herein in the name and style of Santrorini. According to the petitioner, the third respondent did not provide compound wall for the project, the construction of club house was left incomplete, the sewage treatment plant was also left incomplete besides the common amenities were not provided properly. Therefore, the petitioner and other flat owners have filed C.Nos. 75, 84, 85 and 86 of 2020 before the first respondent on 10.03.2020. On 10.03.2021, the first respondent has also passed an interim order holding that the complaints given by the petitioner is maintainable and therefore, directed the third respondent to file a counter affidavit within two weeks.

3. The grievance of the petitioner is that when the complaint made by the petitioner before the first respondent was pending, 8 owners of the flats, associated themselves and formed an Apartment Association in the name and style of "Santorini Apartment Owners Association-Kuthambakkam" and registered it before the Registrar of Societies vide Registration No. 475 of 2020. According to the petitioner, as per Rule 10 of the Tamil Nadu Real Estate (Regulation and Development) Rules 2017, Apartment owners association has to be formed after completion of the entire project, however, even before the completion of



the entire project, some of the owners associated themselves and got registered the fourth respondent association. Further, the third respondent is also attempting to handover the maintenance of the project to the fourth respondent. Aggrieved by such actions on the part of the third and fourth respondents, the petitioner has filed the present writ petition.

4. Heard the counsel for the petitioner and the learned counsel for the respondents. Admittedly, there is a dispute between the owners of the residential apartments developed by the third respondent with respect to formation of residential association. The petitioner has already given a complaint before the first respondent relating to the project developed by the third respondent complaining that certain works were left incomplete and the first respondent also passed an interim order on 10.03.2021. The issue relating to formation of the association by the fourth respondent is related to the complaint given by the petitioner before the first respondent and therefore, it would be appropriate for the first respondent to consider the said plea of the petitioner as well in the Complaint Nos. 75, 84, 85 and 86 of 2020 filed by the petitioner and others. In such view of the matter, a Mandamus, as prayed for by the petitioner cannot be granted.

5. In such a view of the matter, the first respondent is directed to consider the claim of the petitioner with respect to formation of a residential Apartment owners Association by the fourth respondent also in the Complaint Nos. 75, 84, 85 and 86 of 2020 pending before it and to pass appropriate orders thereof on merits and in accordance with law after hearing the petitioner as well as the third and fourth respondent herein.

6. With this direction, this writ petition stands disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

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Sub Assistant Registrar

msr/rsh



To

1. The Chairman,
The Tamil Nadu Real Estate
Regulatory Authority,
Door No.1-A, I Floor,
Gandhi Irwin Bridge Road,
Egmore, Chennai 600 008.

2. The Registrar of Societies and
District Registrar (Administration),
South Chennai, Nandanam,
Chennai 600 035.

+1cc to Mr.D.Daniel, Advocate, S.R.No.36976

+1cc to Mr.Dakshayani Reddy, Advocate, S.R.No.37679

+1cc to the Government Pleader, S.R.No.37401

WP No. 10101 of 2021

PCH(CO)
RGA(31/08/2021)