



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

CRP(PD) No.2450 of 2021
and
CMP.No.18536 of 2021

M/s.Raman Vihar Apartments' Owners' Association
Rep. By its President Brig Raymond Raj (Retd) ... Petitioner

Vs.

Army Housing Welfare Organisation
Rep. By its Managing Director (AWHO) ...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the Tamil Nadu Real Estate Regulatory Authority to consider the Interim prayers sought for in the IA.No.39 of 2021 in C.No.226 of 2021 and dispose of the same as expeditiously as possible.

For Petitioner : Mr.Srinath Sridevan for
Mr.Ramasubramaniam Raja

O R D E R

In the proceedings between the parties, which are pending before the Tamil Nadu Real Estate Regulatory Authority under Section 32 of the Real Estate Regulation and Development Act, 2016, the petitioner, which is an Association of apartment owners had sought for various interlocutory orders in IA.Nos.37 to 39 of 2021 pending disposal of the main proceeding, in terms of Section 36 of the said Act.

2.According to the petitioner, it is the Regulatory Authority, which is empowered to grant such orders under Section 36 of the Act. It is the grievance of the petitioner that the authority is not taking up the interlocutory applications but is willing to proceed with the main case. The petitioner would point out that the respondent organization is alienating the land, which according to the petitioner is a common area meant



for enjoyment of the flat owners in the entire scheme.

3. Heard Mr. Srinath Sridevan, learned counsel appearing for the petitioner.

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4. Mr. Srinath Sridevan, learned counsel appearing for the petitioner would submit that if such alienations are permitted the apartment owners, who had purchased apartments in the scheme promoted by the respondent, would be deprived of the common area. To substantiate its claim, the petitioner / Association has produced a sale deed dated 04.10.2021, which according to it, has dealt with the common area. It is also stated that the proceedings have been listed today at 4.30 pm before the authority for hearing.

5. Without going into the merits of the matter, I am of the opinion that the Authority could do well to consider the prayer for interim reliefs made by the petitioner before dealing with the main proceeding. If the case of the petitioner that the respondent is alienating the land situate in the common area is true, it will lead to further complications and multiplicity of proceedings.

6. In the light of the above, I am convinced that the Authority should at least hear the petitioner on the interlocutory applications and pass orders on merits, since an appeal is provided for under the Act against such orders to the Appellate Authority. If the Authority is to hear the main proceeding without granting an interim order and keep the applications pending, considerable prejudice would be caused to the petitioner. I therefore, direct the Authority to consider the applications namely, IA.Nos.37 to 39 of 2021 and pass orders on merits within a period of three weeks from today. It is made clear that I have not gone into the merits of the matter and it is for the Authority to consider the case independent of any observations made herein above.

7. This civil revision petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar



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To:-

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1. Tamil Nadu Real Estate Regulatory Authority,
Egmore, Chennai.

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and CMP.No.18536 of 2021

PA (CO)
CB (01/12/2021)