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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.14904 of 2022

and

W.M.P.No.14122 of 2022

A.Sabari Vinayagam

..Petitioner

-Vs-

1. The District Collector,
First Floor, Collectorate,
Kanchipuram,
Tamil Nadu - 631 501
2. The Revenue Divisional Officer (RD),
No.6/114 Pattnool Chathram,
Sriperumbudur - 602 105.
3. The Tahsildar,
Kundrathur Taluk Office,
Kundrathur Main Road, Subramanian Nagar,
Thandalam,
Kanchipuram - 600 069.
4. The Manager,
State Bank of India (IFSC:SBIN0015055),
No.2, Renganathan Nagar,
Murugan Kovil Main Road,
Kundrathur,
Chennai - 600 069.
5. The Authorized Officer,
State Bank of India (IFSC: SBIN0061039)
RACPC Tambaram, Satheesh Paradise, No.388,
Velachery Main Road, Selaiyur,
Chennai - 600 073.
6. The Sub-Registrar-Kundrathur,
Sammandam Nagar Main Road,
Kundrathur Kanchipuram - 600 069.
7. M/s.Amar Prakash Developers Private Ltd.,
represented by its Director Adharsh Surana,
Regd Off: NO.42, Rajendra Prasad Road,
Nehru Nagar, Chrompet, Chennai - 600 097.

..Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 3rd respondent to expeditiously implement the recovery warrant issued against the 7th respondent by the Adjudicating Officer, Tamil Nadu Real estate Regulatory Authority, Chennai vide its Letter Reference Dis.No.1886/2022 dated 02.02.2022 to satisfy the claims in favour of the petitioner as ordered in CCP.No.34 of 2020 on the file of the Adjudicating Officer, TNRERA, Chennai, in accordance with the law, within a time stipulated by this Court.

For Petitioner : Mr.S.Abu Backer Sidhic

For Respondents : Mr.B.Vijay,
Addl.Govt.Pleader for R1 to R3 and R6

O R D E R

This writ petition has been filed seeking for a limited relief. The petitioner has obtained a recovery warrant against the 7th respondent. The Adjudicating Officer of the Tamil Nadu Real Estate Regulatory Authority passed an order on 02.02.2022 directing the seventh respondent to pay a sum of Rs.55,13,035.75 to the petitioner. The petitioner in the said recovery warrant has been awarded a sum of Rs.55,13,035.75 against the 7th respondent, who was his developer. The petitioner is facing SARFAESI proceedings for non-repayment of the housing loan availed by him from the 4th respondent Bank. In such circumstances, he seeks for early enforcement of the recovery warrant issued against the 7th respondent.

2. Heard Mr.S.Abu Backer Sidhic, learned counsel for the petitioner. Mr.B.Vijay, learned Additional Government Pleader accepts notice on behalf of the 1st to 3rd and 6th respondents. Mr.M.Lakshminarayanan, Zonal Deputy Tahsildar, Kundrathur, who is empowered to enforce the recovery warrant issued against the 7th respondent is personally present.

3. The petitioner has given a representation on 25.03.2022 to the 3rd respondent calling upon him to enforce the recovery warrant against 7th respondent. Since the representation has not been considered till date, the petitioner has been constrained to file this writ petition.

4. No prejudice would be caused to the respondents if the representation of the petitioner is considered on merits and in



accordance with law within a time frame to be fixed by this Court, after affording a fair hearing to the petitioner.

5. This Court is of the considered view that three months time would suffice for considering the petitioner's representation. The petitioner has also furnished a copy of the recovery warrant issued by the District Collector on 03.03.2022. The order of the Adjudicating Officer, Tamil Nadu Real Estate Regulatory Authority, Chennai dated 02.02.2022 is also enclosed along with this writ petition. It is for the 3rd respondent to consider all the documents/ orders on merits and in accordance with law.

6. For the forgoing reasons, this Court directs the 3rd respondent to consider the petitioner's representation dated 25.03.2022 requesting for enforcement of the recovery warrant issued against the 7th respondent and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of three months from the date of receipt of a copy of this order.

7. With the aforesaid directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
First Floor, Collectorate,
Kanchipuram,
Tamil Nadu - 631 501
2. The Revenue Divisional Officer (RD),
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Sriperumbudur - 602 105.
3. The Tahsildar,
Kundrathur Taluk Office,
Kundrathur Main Road, Subramanian Nagar,
Thandalam, Kanchipuram - 600 069.



4. The Sub-Registrar-Kundrathur,
Sammandam Nagar Main Road,
Kundrathur Kanchipuram - 600 069.

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+1cc to M/s.S.Abubacker Sidhic, Advocate, S.R.No.35691

+1cc to the Government Pleader, S.R.No.36450

W.P.No.14904 of 2022

SJ(CO)
UMA(04/07/2022)