



W.P.No.32100 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.32100 of 2022

1,K.S.Parvathy

2.R.Rajesh

...Petitioners

-Vs-

1.The District Collector,
Chennai District.

2.The Tahsildar,
Sholinganallur Taluk,
Chennai.

3.Selene Estate Limited,
Rep. by Managing Director,
Having office at Perumbakkam,
Jalladianpettai Joint Road,
Jalladianpettai, Chennai - 600 100.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to take immediate steps to initiate revenue recovery proceedings and recover the amounts as per the orders in E.P.No.16 of 2022 in CCP.No.156 of 2022 passed by Adjudicating Officer, TNRERA and in terms



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with the communication of the 1st respondent to the 2nd respondent in RC.No.02/23283/2022 dated 24.08.2022.

For Petitioners : Mr.G.Suryanarayanan
For R1 & R2 : Mr.T.K.Saravanan,
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus to direct the first and second respondents to take immediate steps to initiate revenue recovery proceedings and recover the amounts as per the orders in E.P.No.16 of 2022 in CCP.No.156 of 2022 passed by the Adjudicating Officer, TNRERA and in terms with the communication of the first respondent to the second respondent in RC.No.02/23283/2022 dated 24.08.2022.

2. The petitioners obtained an order for recovery under Section 40(1) of the RERA Act from the Tamil Nadu Real Estate Regulatory Authority on 06.07.2022, pursuant to which, in order to initiate revenue recovery proceedings against the private respondent, the first respondent District Collector, vide his proceedings dated 24.08.2022, has directed the second respondent Tahsildar to initiate the proceedings under Section 5 of the



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Revenue Recovery Act for recovering the amount as per the order passed by the RERA authorities. However, so far the second respondent Tahsildar has not acted upon. Therefore, the petitioners has moved this writ petition.

3. Heard Mr.G.Suryanarayanan, learned counsel for the petitioners, who having reiterated the aforestated, would seek indulgence of this Court.

4. Mr.T.K.Saravanan, learned Government Advocate appearing for the official respondents would submit that, the second respondent Tahsildar will take immediate steps to recover the money under the revenue recovery proceedings as per the order of the District Collector, within a time frame that may be stipulated by this Court.

5. In view of the order to be passed in this writ petition, notice to the third respondent is dispensed with.

6. Having regard to the said submission made by the learned counsel for both sides and taking into account of the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following order:



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(i) There shall be a direction to the second respondent Tahsildar to act upon the order passed by the first respondent District Collector dated 24.08.2022 for recovering the amount from the third respondent under revenue recovery proceedings by issuing proper notice to the third respondent, within a period of 6 weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

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Index:Yes/No
Speaking order/Non-speaking order
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WEB COPY To

- 1.The District Collector,
Chennai District.
- 2.The Tahsildar,
Sholinganallur Taluk,
Chennai.



WEB COPY



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R. SURESH KUMAR, J.

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