



WEB COPY



W.P.No.27 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.27 of 2023

and

W.M.P.No.17 of 2023

M/s. Golden Homes Private Limited
Represented by Managing Director
AC-63, 5th Avenue, Anna Nagar,
Chennai – 600 004.

... Petitioner

Versus

1. The Adjudicating Officer,
Tamil Nadu Real Estate (Regulation & Development) Authority,
Egmore, Chennai – 600 008.

2. Golden Opulence Owners Association,
Represented by its Secretary,
Golden Opulence,
Poonamallee Bypass Road, Poonamallee,
Tiruvallur District,
Chennai – 600 056.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent relating to his impugned notice in C.No.149 of 2022 dated 22.11.2022 and to quash the same and forbearing the first respondent from entertaining any complaint from the 2nd respondent and



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taking cognizant and proceed to conduct enquiry under RERA Act, 2016 in C.No.149 of 2022 either on 05.01.2023 or any other dates.

For Petitioner : Ms.S.Vaitheeswari

ORDER

Let the proceedings continue on 05.01.2023, before the 1st respondent.

2. The learned counsel for the petitioner raises an issue of jurisdiction and claimed that the 1st respondent has no authority to examine the complaint given by the 2nd respondent.

3. I hold that the 1st respondent should examine the issue and take a decision instead of this Court substituting its views for the views of the 1st respondent.

4. The 1st respondent may, if the issue of jurisdiction had been raised in the counter filed by the petitioner, also answer the same along with the other issues as raised by the 2nd respondent.



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5. Stating as above, the Writ Petition stands disposed of even without issuing notice to the 2nd respondent. No order as to costs. Consequently, the connected miscellaneous petition stands closed.

04.01.2023

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Index : Yes/No

Internet : Yes/No

To:

The Adjudicating Officer,
Tamil Nadu Real Estate (Regulation & Development) Authority,
Egmore, Chennai – 600 008.

C. V. KARTHIKEYAN,J.



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