



WEB COPY



W.P.No.9206 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.9206 of 2023

K.Mohanasundaram

... Petitioner

Vs.

Adjudicating Officer,
Tamil Nadu Real Estate Regulatory Authority,
No.1A, 1st Floor, Gandhi Irwin Bridge Rd,
Egmore, Chennai – 600 008.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent herein to take action under Section 63 of RERA Act, 2016 after considering the petitioner's representation dated 02nd January 2023.

For Petitioner : Mr.G.R.Hari

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondent to take action under Section 63 of the RERA Act, 2016, after considering the petitioner's representation dated 02.01.2023.



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2. Since no adverse order is being passed against the respondent, notice to the respondent is dispensed with.

3. The case of the petitioner is that, in the year 2015, the petitioner booked an apartment with M/s.Amar Prakaash Developers Private Limited at “Temple Waves”. On 30.06.2017, the Project Promotion and Construction Agreement was executed and the date of handing over of the possession was in the month of April, 2018 and the total consideration for the apartment is Rs.25,02,170/- (Rupees Twenty Five Lakhs Two Thousand One Hundred and Seventy only) and the agreement was registered on the file of the Sub-Registrar, Kundrathur vide Document No.13665/2019 on 05.12.2017. However, the agreement was not performed by the developer. Hence, the petitioner filed a petition before the Tamil Nadu Real Estate Regulatory Authority seeking refund of the amount paid to the developer towards purchase of an apartment with interest. Pursuant to which, an order was passed in favour of the petitioner, however, the said order was not implemented, therefore, the petitioner filed an execution petition and the same was also ordered. Even thereafter, the order was not implemented, hence, the petitioner made a representation dated 02.01.2023 before the respondent to



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take action against the developer under Section 63 of the RERA Act, 2016.

Since the same was not considered, the present writ petition is filed before this Court for appropriate directions.

4. The learned counsel for the petitioner would submit that, this Court may issue a direction to the respondent to implement the order passed by the Tamil Nadu Real Estate Regulatory Authority dated 14.09.2021, within a time frame that may be fixed by this Court.

5. In view of the above, this Court, without expressing any opinion on the merits of the case, directs the respondent to implement the order passed by the Tamil Nadu Real Estate Regulatory Authority dated 14.09.2021, after providing opportunity to the parties, if there is no legal impediment, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

27.03.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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To

The Adjudicating Officer,
Tamil Nadu Real Estate Regulatory Authority,
No.1A, 1st Floor, Gandhi Irwin Bridge Rd,
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