



WEB COPY



W.P.Nos.9090, 9093 & 9100 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.9090, 9093 & 9100 of 2023

Rosaline Mahimaiddoss Bosco

... Petitioner in
W.P.No.9090 of 2023

S.Naveen Chandran

... Petitioner in
W.P.No.9093 of 2023

S.Rathna

... Petitioner in
W.P.No.9100 of 2023

Vs.

1.The District Collector,
Collectorate,
GST Road,
Chengalpattu – 603 001.

2.Sylvanus Builders and Developers Ltd.,
Represented by its Director, Mr.Sansil Ramesh Chandhani,
Aurum Township, Aurum Sales office,
Old Mahabalipuram Road,
Chengalpet,
Kancheepuram – 603 103.

3.Pacifica (Chennai Project) Infrastructure,
Represented by its Managing Director,



W.P.Nos.9090, 9093 & 9100 of 2023

Mr.Rocky Israni,
AURUM-Chennai Township, Pacifica Companies,
Near SRR Engineering College,
Rajiv Gandhi Salai (OMR),
Padur, Chennai – 603 103.

... Respondents in all WPs

Prayer in W.P.No.9090 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent herein to comply the order dated 17.02.2022 issued by the Tamil Nadu Real Estate Regulatory Authority based on the petitioner's representation dated 01.02.2023 within a stipulated time period fixed by this Court.

Prayer in W.P.No.9093 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent herein to comply the order dated 18.01.2023 issued by the Tamil Nadu Real Estate Regulatory Authority based on the petitioner's representation dated 01.02.2023 within a stipulated time period fixed by this Court.

Prayer in W.P.No.9100 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent herein to comply the order dated 12.10.2021 issued by the Tamil Nadu Real Estate Regulatory Authority based on the petitioner's representation dated 01.02.2023 within a stipulated time period fixed by this Court.



W.P.Nos.9090, 9093 & 9100 of 2023

For Petitioner : Mr.S.Karthikei Balan
(in all WPs)

For Respondents : Mr.U.Baranidharan
(in all WPs) Additional Government Pleader [R1]

COMMON ORDER

Since the issue raised in these writ petitions is one and the same, with the consent of the learned counsel appearing for both sides, these writ petitions were heard together and are being disposed of by this common order.

2. Since no adverse order is being passed against the respondents 2 and 3, notice to the respondents 2 and 3 is dispensed with.

3. It is the case of the petitioners that, the petitioners approached the respondents 2 and 3 for construction of residential complex of villa in the name and style of “PACIFICA AURUM”. Thereafter, the Agreements of Sale and Construction Agreements were executed in favour of the petitioners and the same was registered. On account of delay in handing over the said villa to the petitioners, they have filed



W.P.Nos.9090, 9093 & 9100 of 2023

WEB COPY

petitions before the Adjudicating Officer, The Tamil Nadu Real Estate Regulatory Authority against the respondents 2 and 3 seeking compensation for delay in handing over the villa. Pursuant to which, orders were passed in favour of the petitioners, however, the said orders were not implemented. Therefore, the petitioners filed execution petitions to execute the above orders and the same was also ordered. Even thereafter, the orders were not implemented, hence, the petitioners made representations dated 01.02.2023 before the first respondent to comply the said orders by issuing recovery warrant. Since the same were not considered, the above writ petitions are filed before this Court for appropriate directions.

4. Though very many grounds have been raised in these writ petitions, the learned counsel for the petitioners submits that, it would suffice, if this Court issues a direction to the first respondent to comply the orders passed by the Tamil Nadu Real Estate Regulatory Authority dated 17.02.2022, 01.02.2023 and 12.10.2021 on the basis of the petitioners' representations dated 01.02.2023, within a time frame that may be fixed by this Court.



W.P.Nos.9090, 9093 & 9100 of 2023

WEB COPY

5. Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioners' representations dated 01.02.2023 in respective writ petitions and pass appropriate orders, after providing opportunity to the parties, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. Accordingly, these writ petitions are disposed of. No costs.

24.03.2023

Index : Yes / No
Speaking order / Nonspeaking order
Neutral Citation Case : Yes / No
rap

To

The District Collector,
Collectorate,
GST Road,
Chengalpattu – 603 001.



WEB COPY



W.P.Nos.9090, 9093 & 9100 of 2023

M.DHANDAPANI, J.

rap

W.P.Nos.9090, 9093 & 9100 of 2023

24.03.2023