



WEB COPY



W.P.No.18578 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM :

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

W.P.No.18578 of 2023 and
W.M.P.No.17813 of 2023

IVR Hotels & Resorts Private Limited,
Represented by its Director, Mr.E.C.Theodore Solomon,
M22/3RT, Vijayanagar Colony,
Hyderabad – 500 057, Andhra Pradesh.

Present Address:

Survey Number 419, Aavisa Project,
State Highways 120 (Walajabad Road),
Santhavellur Village, Sunguvarchatiram,
Kanchipuram District – 602 106.

... Petitioner

Vs.

1. The Adjudicating Officer,
Tamil Nadu Real Estate Regulatory Authority,
Door No.1A, 1st Floor,
Gandhi Irwin Bridge Road, Egmore,
Chennai – 600 008.
2. Vandana Parvez,
9M SIS Meridian,
7 Gangai Nagar,
Velachery Bypass Road,
Chennai – 600 042.
3. Kotak Mahindra Investments Ltd.,
27BKC, C27, G Block,
Bandra Kurla Complex, Bandra (E),
Mumbai – 400 051.



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4. Kotak Mahindra Trusteeship Services Ltd.,
27BKC, C27, G Block,
Bandra Kurla Complex, Bandra (E),
Mumbai – 400 051.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling upon the records in C.C.P.No.280 of 2021 on the file of the 1st respondent and quash the order in C.C.P.No.280 of 2021 dated 31.05.2023 passed by the 1st respondent and consequently direct the 1st respondent to provide an opportunity to the petitioner to make oral submissions.

For Petitioner : Mrs.Thriyambak.J.Kannan
For R1 : Ms.R.Varalakshmi

ORDER

This writ petition has been filed seeking for issuance of a writ of certiorarified mandamus calling for the records in C.C.P.No.280 of 2021 on the file of the 1st respondent and quash the order in C.C.P.No.280 of 2021 dated 31.05.2023 passed by the 1st respondent and consequently direct the 1st respondent to provide an opportunity to the petitioner to make oral submissions.

2. It is the case of the petitioner that second respondent had preferred the aforesaid complaint before the first respondent seeking an alleged amount



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of Rs.5,27,35,600/- as compensation and damages jointly and severally from the petitioner and the respondents 1, 3 to 5, pursuant to the said complaint, the first respondent vide order dated 10.12.2019 passed an order holding that the said complaint is not maintainable against the other respondents to the complaint. Aggrieved over the same, the second respondent preferred an appeal in Appeal No.41 of 2020 before the Tamil Nadu Real Estate Regulatory Appellate Tribunal, which passed an order dated 27.09.2021 setting aside the order of the first respondent dated 10.12.2019 along with a direction to the adjudicating officer to dispose the complaint on merits within a period of three months after affording an opportunity of hearing to all the parties, pursuant to the said order dated 27.09.2021, the complaint was remitted back to the 1st respondent and the complaint was numbered as CCP No.280 of 2021. Subsequent to the pleadings, the second respondent filed additional documents in I.A.No.13 of 2022 and the said application was allowed by the first respondent on 11.07.2022. However, when the complaint came up for final arguments, due to the ill health of the petitioner counsel, he was unable to present his case. It is alleged that the first respondent, passed the impugned order dated 31.05.2023 without affording an opportunity of hearing to the petitioner and posted the matter for orders on 28.06.2023.



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Challenging the same, the above writ petition has been filed seeking the relief
supra.

3. Though very many grounds have been raised in the present writ petition, learned counsel for the petitioner submits that this Court may issue a direction to the first respondent to hear the petitioner enabling them to make oral submissions on 27.06.2023 and pass appropriate orders on 28.06.2023 as per the impugned order dated 31.05.2023 passed by the first respondent.

4. Learned counsel appearing for the first respondent reported no instructions.

5. Considering the limited request sought for by the petitioner, this Court, without going into the merits of the case directs the first respondent to afford an opportunity of personal hearing to the petitioner on 27.06.2023 and pass appropriate orders in conjunction with the order dated 31.05.2023 passed by the first respondent on 28.06.2023. However, the learned counsel for the first respondent is directed to intimate the order passed by this Court through phone to the first respondent, who in turn is directed to inform the same to the second respondent.



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6. This writ petition is accordingly disposed of. No costs. Consequently,
connected miscellaneous petition is closed.

26.06.2023

Index : Yes / No

Speaking order / Non speaking order : Yes / No

Neutral Citation Case : Yes / No

(rap)

Office to Note : Issue order copy on 27.06.2023

To

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



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M.DHANDAPANI, J.

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