



W.P.No.1720 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.1720 of 2024

R.Vaithiyanathan

... Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur Collector Office Complex,
Master Plan Complex, NH 205,
Thiruvallur 602 001.
2. The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai.
3. The Tamilnadu Real Estate Regulatory Authority,
No.1A , 1st Floor, CMDA Towers,
Gandhi-Irwin Bridge Road,
Egmore,
Chennai – 600 008.
4. R.Murugesan

... Respondents



W.P.No.1720 of 2024

PRAYER:

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent herein to recover the monies as per order dated 16.10.2019 in E.P.No.38 of 2020 on the file of the Tamil Nadu Real Estate Regulatory Authority based on representation made by the petitioner dated 19.12.2023.

For Petitioner : M/s.Niveda CP

For R1 & R2 : Mr.R.U.Dinesh Rajkumar
Government Advocate

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus directing the second respondent herein to recover the monies as per order dated 16.10.2019 in E.P.No.38 of 2020 on the file of the Tamil Nadu Real Estate Regulatory Authority, based on representation made by the petitioner dated 19.12.2023.

2. Heard the learned counsel appearing for the petitioner and the



W.P.No.1720 of 2024

WEB COPY

learned Government Advocate appearing for the official respondents and perused the materials available on record.

3. It is the contention of the learned counsel for the petitioner that the petitioner entered into a Sale cum Construction agreement with the land owners and promoters/R.M. Builders/the fourth respondent herein. The fourth respondent executed a sale deed in Document No.3936/2014 dated 12.03.2014 on the file of the Sub Registrar, Kundrathur, in favour of the petitioner. Aggrieved by the fourth respondent's conduct, he had filed a complaint before the Tamil Nadu Real Estate Regulatory Authority and the Adjudicating Officer has also passed an order on 16.10.2019, awarding compensation in favour of the petitioner. Since the fourth respondent has not complied with the abovesaid order, the petitioner filed an E.P.No.38 of 2020 on the file of the Tamil Nadu Real Estate Regulatory Authority, seeking for attachment of property of the fourth respondent. The Adjudicating Authority issued recovery warrant vide order dated 07.12.2021. The petitioner filed the present writ petition to direct the second respondent to recover the monies.

4. The petitioner voluntarily entered into an agreement with the



W.P.No.1720 of 2024

WEB COPY

fourth respondent /Building Promoter. Since the private respondent/R4 has violated the conditions of the agreement, the petitioner approached the Regulatory Authority and he obtained order. Since the fourth respondent has not complied with the order of the Regulatory Authority, the petitioner filed E.P.No.38 of 2020 on the file of the Tamil Nadu Real Estate Regulatory Authority, seeking attachment of property of the fourth respondent. The fourth respondent has not responded to the Execution Petition. The petitioner has got an alternative, efficacious remedy, and hence this Court is not inclined to entertain this writ petition. However the second respondent is directed to proceed with the Execution Petition in its course.

5. In view of the above, the Writ Petition is dismissed. There shall be no order as to costs.

30.01.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



W.P.No.1720 of 2024

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WEB COPY

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WEB COPY



W.P.No.1720 of 2024

P.VELMURUGAN, J.

mfa

W.P.No.1720 of 2024

30.01.2024