



W.P.No.4052 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.02.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.4052 of 2024

Gurucharan Radhakrishnapanda

... Petitioner

Vs

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

.... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent herein to expeditiously recover the amounts within a specific time frame fixed by this Hon'ble Court in terms of Recovery Warrant issued in E.P.No.7 of 2022 in CCP. No.165 of 2020 dated 28.06.2023 to the petitioner as mandated under Section 40(1) of The Real Estate (Regulation and Development) Act, 2016 r/w Rule 26 of Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 and Consequently, direct the respondent to consider the representation issued by the petitioner dated 19.01.2024 for the execution of the said Recovery Warrant dated 28.06.2023.

For Petitioner : Mr.Anirudh A Sriram

For Respondent : Mr.S.Balamurugan
Government Advocate



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ORDER

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Mr.S.Balamurugan, learned Government Advocate accepts notice for the respondent and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner seeks a mandamus directing the respondent to expeditiously recover the amounts ordered in terms of Recovery Warrant in E.P.No.7 of 2022 in CCP.No.165 of 2020 dated 28.06.2023.

3. The petitioner is a holder of a decree of an order passed by the Tamil Nadu Real Estate Regulatory Authority dated 23.02.2022. The Execution Petition filed by the petitioner was ordered on 14.06.2023 and warrant issued on 28.06.2023. The petitioner is aggrieved by the fact that there has been no action taken thereafter by the respondent.

4. Mr.Balamurugan, learned Government Advocate for the respondent circulates written instructions/proceeding in Na.Ka.No.3148/2023-A4 dated 20.02.2024. The sum and substance of the written instructions are to the effect that efforts are on-going to effect recovery covered by the order of the Regulatory Authority. He would also orally state that the respondent is seeking various particulars from the petitioner in order to assist in the expeditious execution of the warrant, but the required particulars are not forthcoming.



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5. Learned counsel for the petitioner would strenuously deny this pointing out that no notice or any communication has been issued by the respondent in this regard. The respondent has sought a month's time in the written instructions dated 20.02.2024 to execute the warrant.

6. In such circumstances, I see no reason to keep this Writ Petition pending any longer and hence mandamus is issued as sought for directing the respondent to execute the warrant in E.P.No.7 of 2022 in CCP.No.165 of 2020 dated 28.06.2023, as expeditiously as possible, within a period of four (4) weeks, as sought for by the respondent in written instructions dated 20.02.2024, subject to the petitioner co-operating and furnishing requisite details that shall be called for under a notice.

7. This Writ Petition is disposed as above. No costs.

21.02.2024

Index : Yes / No

Speaking order

Neutral citations: Yes

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To

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



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DR.ANITA SUMANTH,J.

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