



W.P.Nos.11800 & 12452 of 2024(2 cases)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. Nos.11800 & 12452 of 2024

and

W.M.P.No.13601 of 2024

W.P.No.11800 of 2024

S.Hema

... Petitioner

Vs.

1. The District Collector-Kanchipuram,
Office of the Kanchipuram District Collector,
Kanchipuram – 631 501.
2. The Tahsildar,
Walajabad, Kanchipuram,
Kanchipuram – 631 605.
3. M/s.Oragadam City Developers Private Limited,
Represented by its Managing Director,
No.5, Giri Road,
T.Nagar, Chennai – 600 017.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of mandamus, directing the 2nd respondent to dispose of the property ordered in Na.Ka.COLKPM/6349/2023-U2 dated 10.11.2023 and pay the sale proceeds to me at the earliest.



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For Petitioner	: Mr.S.Shujath
For R1 & R2	: Mr.U.Baranidharan Additional Government Pleader
For R3	: Mr.R.Natarajan for Mr.A.V.Arumugam

W.P.No.12452 of 2024

M/s.Oragadam City Developers Private Limited,
Represented by its Managing Director,
No.5, Giri Road,
T.Nagar, Chennai – 600 017.

... Petitioner

Vs.

1. The District Collector,
Kancheepuram.
2. The Tahsildar,
Walajabad,
Kancheepuram District.
3. S.Hema

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for issuance of writ of mandamus, directing the 1st respondent to hear and dispose of the petition filed before the 1st respondent in unnumbered E.A.No. Of 2024 in E.P.No.13 of 2023 in C.C.P.No.136 of 2020 bearing the seal dated 13.02.2024 in accordance with law.



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For Petitioner	: Mr.R.Natarajan for Mr.A.V.Arumugam
For R1 & R2	: Mr.U.Baranidharan Additional Government Pleader
For R3	: Mr.S.Shujath

COMMON ORDER

Since the issues raised in these two writ petitions are similar, the following common order is passed.

2. W.P.No.11800 of 2024 has been filed to direct the 2nd respondent/Tahsildar to dispose of the property in Na.Ka.COLKPM/6349/2023-U2 dated 10.11.2023 and pay the sale proceeds to the petitioner at the earliest. W.P.No.12452 of 2024 has been filed to dispose of the petition filed before the 1st respondent in unnumbered E.A.No. Of 2024 in E.P.No.13 of 2023 in C.C.P.No.136 of 2020 bearing the seal dated 13.02.2024 in accordance with law.

3. The dispute exist between the M/s.Oragadam City Developers Private Ltd and Mrs.S.Hema, who is the purchaser of residential flat in the



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4. Such private disputes between the parties cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Only after exhausting the statutory remedies contemplated under the provisions of the Real Estate Regulations and Development Act, 2016, High Court would be in a position to exercise the powers of judicial review in an effective manner. Such private disputes between the developer and a purchaser required scrutinisation of documents in original and evidence and such process is to be undertaken by approaching the adjudicating Authority and the Appellate Tribunal constituted under the RERA Act.

5. Exhausting the statutory remedy is the Rule. Dispensing with the appellate provision is an exception. High Court cannot conduct a roving enquiry with reference to the disputed fact between the private parties in a property transactions. Therefore, the parties have to approach the appellate Tribunal for effective adjudication of disputes and the factual findings of the Original Authority and the appellate Tribunal would be of greater assistance to the High Court for effective exercise of the powers of judicial review under



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Article 226 of constitution of India. Contrarily, if the writ petitions are entertained, the High Court may not be in a position to resolve the issues merely based on certain xerox copies of the documents filed by the petitioners. There is a possibility for mis-carriage of justice. Therefore, in the present case, this Court is of the considered opinion that the parties are bound to approach the appellate Tribunal for the purpose of adjudication of issues on merits and in accordance with law.

6. Therefore, the petitioner in W.P.No.12452 of 2024 is at liberty to approach the appellate Tribunal for effective adjudication of issues. On filing of such an appeal, the petitioner in W.P.No.11800 of 2024 is also at liberty to participate in the adjudication process and redress her grievances.

7. Accordingly, both the Writ Petitions are **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.



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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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Office of the Kanchipuram District Collector,
Kanchipuram – 631 501.
2. The Tahsildar,
Walajabad, Kanchipuram,
Kanchipuram – 631 605.

S.M.SUBRAMANIAM,J.

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