



W.P.Nos.19779, 19785, 19788 and 19791 of 2023

WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2024

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.19779, 19785, 19788 and 19791 of 2023
and
W.M.P.Nos.19078, 19083, 19088, 19089, 19093,
19094, 19101 and 19103 of 2023

W.P.No.19779 of 2023:

1. M/S.Sage Properties Private Limited,
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.
2. M/s.Saga Motels Private Limited
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.



W.P.Nos.19779, 19785, 19788 and 19791 of 2023

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3. M/s.Sage Buildwell Private Limited,
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.

4. M/s. Grand Buildcon Private Limited,
represented by its Authorised Signatory,
No A-15, 1st Floor,
Annexe Main,
Hauz Khas, New Delhi - 110 016.

...Petitioners

Vs

1. The District Collector,
Chengalpattu,
Chengalpattu District.
2. The Tahsildar,
Vandalur,
Chengalpattu District.
3. R.Mithun Chakravarthy,
rep. by his Power of Attorney S.Rajappa,
Plot No. 25, Maharajapuram Main Road,
Santhosapuram,
Chennai - 600 073.
4. M/s.Metroline Promoters Pvt. Limited,
Plot No.1, Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.

... Respondents



W.P.Nos.19779, 19785, 19788 and 19791 of 2023

WEB COURT (R3 and R4 are impleaded as per order dated 11.10.2023 in W.M.P.No.23834 of 2023 in W.P.No.19779 of 2023)

W.P.No.19785 of 2023:

1. M/S.Sage Properties Private Limited,
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.
 2. M/s.Saga Motels Private Limited
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.
 3. M/s.Sage Buildwell Private Limited,
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.
 4. M/s. Grand Buildcon Private Limited,
represented by its Authorised Signatory,
No A-15, 1st Floor,
Annexe Main,
Hauz Khas, New Delhi - 110 016.
- ...Petitioners



W.P.Nos.19779, 19785, 19788 and 19791 of 2023

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Vs

1. The District Collector,
Chengalpattu,
Chengalpattu District.
2. The Tahsildar,
Vandalur,
Chengalpattu District.
3. Lavanya Prasad
4. M/s.Metroline Promoters Private Limited,
Plot No.1, Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.

... Respondents

(R3 and R4 are impleaded as per order dated 11.10.2023 in
W.M.P.No.23841 of 2023 in W.P.No.19785 of 2023)

W.P.No.19788 of 2023:

1. M/S.Sage Properties Private Limited,
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.



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2. M/s.Saga Motels Private Limited
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.

3. M/s.Sage Buildwell Private Limited,
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.

4. M/s. Grand Buildcon Private Limited,
represented by its Authorised Signatory,
No A-15, 1st Floor,
Annexe Main,
Hauz Khas, New Delhi - 110 016.

...Petitioners

Vs

1. The District Collector,
Chengalpattu,
Chengalpattu District.

2. The Tahsildar,
Vandalur,
Chengalpattu District.

3. Dr.A.Joseph stanley,

4. I.S.Thamarai Selvi



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5. M/s.Metroline Promoters Private Limited,
Plot No.1, Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.

... Respondents

(R3 to R5 are impleaded as per order dated 11.10.2023 in W.M.P.No.23857 of 2023 in W.P.No.19788 of 2023)

W.P.No.19791 of 2023:

1. M/S.Sage Properties Private Limited,
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.
2. M/s.Saga Motels Private Limited
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.
3. M/s.Sage Buildwell Private Limited,
represented by its Authorised Signatory,
Plot No 1, No1, Wedding Souk,
Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.



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4. M/s. Grand Buildcon Private Limited,
represented by its Authorised Signatory,
No A-15, 1st Floor,
Annexe Main,
Hauz Khas, New Delhi - 110 016.

...Petitioners

Vs

1. The District Collector,
Chengalpattu,
Chengalpattu District.

2. The Tahsildar,
Vandalur,
Chengalpattu District.

3. Latha Manikandan

4. M/s.Metroline Promoters Private Limited,
Plot No.1, Local Shopping Centre,
Sharda Niketan,
Pitampura,
New Delhi 110 034.

... Respondents

(R3 and R4 are impleaded as per order dated 11.10.2023 in
W.M.P.No.23867 of 2023 in W.P.No.19791 of 2023)

W.P.No.19799 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Proceedings of the 1st respondent dated 11.03.2022 in R.C.No.3344 / 2022 / U3 to quash the same and consequently direct the 1st respondent from taking subsequent action including but not limited to the notice for attachment affixed on the subject property on 10.04.2023.



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W.P.No.19785 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Proceedings of the 1st respondent dated 11.03.2022 in R.C.No. 3347 / 2022 / U3 to quash the same and consequently direct the 1st respondent from taking subsequent action including but not limited to the notice for attachment affixed on the subject property on 10.04.2023.

W.P.No.19788 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Proceedings of the 1st respondent dated 11.03.2022 in R.C.No. 3343 / 2022 / U3 to quash the same and consequently direct the 1st respondent from taking subsequent action including but not limited to the notice for attachment affixed on the subject property on 10.04.2023.

W.P.No.19791 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Proceedings of the 1st respondent dated 11.03.2022 in R.C.No. 3346 / 2022 / U3 to quash the same and consequently direct the 1st respondent from taking subsequent action including but not limited to the notice for attachment affixed on the subject property on 10.04.2023.

For Petitioners : Mr.Rahul M.Shankhar
in all petitions

For Respondents : Mr.U.Baranidharan
Additional Government Pleader
for R1 and R2



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Mr.V.Manohar for R3

Mr.N.S.Amogh Simha for R4

ORDER

The present Writ Petition has been instituted challenging the proceedings of the District Collector, Chengalpattu, dated 11.03.2022 passed under the Revenue Recovery Act.

2.The Revenue Recovery Act was invoked pursuant to the orders passed by the Tribunal constituted under the Real Estate Regulation and Development Act, 2016.

3.The learned counsel for the petitioner would mainly contend that the writ petitioner was not a party to before the Tribunal. constituted under the Real Estate Regulation and Development Act and therefore, the impugned order passed by the District Collector under the Revenue Recovery Act is to be set aside.

4.However, the learned counsel appearing on behalf of the 3rd respondent would oppose by stating that the petitioner would have filed an



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application before the Tribunal itself or prefer an appeal as contemplated under the Act. Instead, the present Writ Petition has been instituted challenging the proceedings of the District Collector initiated under the Revenue Recovery Act, which is not entertainable.

5.The District Collector in the present case is only an Executing Authority of the order passed by the Tribunal constituted under the Real Estate Regulation and Development Act. In the absence of challenging the original order passed by the Tribunal, the Writ Petition filed challenging the action under Revenue Recovery Act is not entertainable. The fact remains that the order passed by the Tribunal is staring on the petitioner and therefore, he is at liberty to initiate the appropriate proceedings to challenge the said order by filing an application before the Tribunal or preferring an appeal as contemplated under the Act.

6.The grounds raised on the present Writ Petition relating to the contractual obligations between the parties cannot be adjudicated in a writ proceedings. The High Court cannot conduct a roving enquiry regarding the terms and conditions of the agreement between a builder and purchaser or



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in a project of the joint venture, etc., Such issues have to be adjudicated with reference to the documents and evidences and therefore, the petitioner has to approach necessarily the Tribunal or the Appellate Authority as the case may be for the purpose of redressal of the grievances.

7.For all these reasons, the proceedings of the District Collector which is consequential in nature cannot be independently challenged so long as the original order passed by the Tribunal under the Real Estate Regulation and Development Act is in force.

Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

25.04.2024

Index : Yes/No
Speaking order :Yes/No
Neutral citation :Yes/No

mps

To

1. The District Collector,
Chengalpattu,
Chengalpattu District.
2. The Tahsildar,
Vandalur,
Chengalpattu District.



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W.P.Nos.19779, 19785, 19788 and 19791 of 2023

S.M.SUBRAMANIAM, J.

mps

W.P.Nos.19779, 19785, 19788 and
19791 of 2023 and
W.M.P.Nos.19078,
19083, 19088, 19089, 19093,
19094, 19101 and 19103 of 2023

25.04.2024