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W.P.No.33919 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.33919 of 2024

T.V.Seetharaman

...Petitioner

Vs.

1. The District Collector,
Chennai District,
Office of the District Collector of Chennai,
Singaravelan Maligar, Chennai.
2. The Tahildhar (Mambalam)
Office of the Tahsildhar of Mambalam Taluk,
Chennai.
3. M/s.Ananya Krishna Construction,
Represented by its Managing Director,
Y.Gangadhar,
Project Address: Old No.23A,
New No.12 TNHB Block,
No.23, P.T.Rajan Salai, K.K.Nagar,
Chennai - 600 078.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to recover the sum of Rs.10,85,000/- from the third respondent under the Tamil Nadu Revenue Recovery Act 1884 in pursuant to the order dated 15.12.2023 passed in EP.No.35 of 2023 on the file of Tamil Nadu Real Estate Regulatory Authority (TNRERA) within a time frame that may be fixed by this Court.



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For Petitioner : Mr.S.Sai Shankar

For R1 & R2 : Mr.S.Balamurugan
Government Advocate

ORDER

The petitioner herein seeks a direction to the respondents 1 & 2 to recover a sum of Rs.10,85,000/- from the third respondent under the Revenue Recovery Act, pursuant to the order dated 15.12.2023 passed in EP.No.35 of 2023 on the file of the Tamil Nadu Real Estate Regulatory Authority (TNRERA) within a time frame to be fixed by this Court.

2. It is the case of the petitioner that he initiated proceedings against the third respondent before the Tamil Nadu Real Estate Regulatory Authority by way of complaint No.130 of 2020 claiming damages and compensation against the third respondent for substandard quality of construction. The Real Estate Regulatory Authority passed an order imposing penalty of Rs.3,00,000/- against the third respondent for non-registration of the project. Further, the authority also directed the third respondent to pay a sum of Rs.10,85,000/- as compensation to the petitioner. Thereafter, the petitioner filed execution petition in E.P.No.35 of 2023 and the same was allowed directing the third



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respondent to pay the amount as mentioned above. Subsequently, the Law officer of the Real Estate Regulatory Authority sent a letter to the first respondent on 09.02.2024 in his letter No.TNRERA/A4/0194/2024 requesting to recover the above said sum from the third respondent and paying the same to the complainant. The first respondent in turn sent a communication to the second respondent in his proceedings dated 12.07.2024 in RC.No.G1/e-1880598/2024 directing him to proceed under Section 5 of Tamil Nadu Revenue Recovery Act against the third respondent for recovery of the above said sum. In spite of the same, till date, the second respondent has not taken any steps for recovering the amount from the third respondent under the Revenue Recovery Act. Hence, the petitioner is before this Court.

3. Mr.S.Balamurugan, learned Government Advocate takes notice for the respondents 1 and 2. Since no adverse order is passed as against the third respondent, notice to the third respondent is dispensed with.

4. In the light of facts narrated above, this Court is inclined to issue a direction to the second respondent to act in accordance with a direction issued by the first respondent in his proceedings in RC.No.G1/e-1880598/2024 dated



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12.07.2024 and complete the recovery proceedings under the Tamil Nadu Revenue Recovery Act, within a period of twelve weeks from the date of receipt of a copy of this order, by giving opportunity to third respondent in accordance with law.

5. With the above direction, this Writ Petition is disposed of.
No costs.

20.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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S. SOUNTHAR, J.

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