



WEB COPY



W.P.No.35263 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.35263 of 2024

and

WMP.No.38174 of 2024

1. Mrs.Lakshmi Venkatrangan
W/o. Mr.L.C.Venkatrangan
No.1995, 13th Main Road,
Annanagar West, Chennai 600 040.
2. Mrs. Padma Venkatrangan
W/o Mr.Vinay Calyampoondi,
No.1204, Lafite Lane, Southlake,
Taxes - 76092, USA.
Represented herein by her Power of Attorney Holder,
Mr.L.C.Venkatrangan,
S/o. Mr.L.C.Thirumalachari,
No.1995, 13th Main road, Annanagar West,
Chennai 600 040.

...Petitioners

Vs.

1. The District Collector,
Chennai District, Chennai.
2. The Tahsildar,
Guindy Taluk, Chennai.
3. The Tahsildar,
Aminjikarai Taluk, Chennai
4. Ozone Projects Private Limited,
New No.63, Old No.32, G.N.Chetty Road,
T.Nagar, Chennai 600 017.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to execute the recovery warrant in E.P.No.47 of 2023 and E.P.No.48 of 2023 issued by the Tamil Nadu Real Estate Regulatory Authority, recover the sum of Rs.4,39,50,129.84/- (Rupees Four Crores Thirty - Nine Lakhs Fifty thousand One Hundred and Twenty-Nine and Paisa Eighty - Four only) from the fourth respondent to be paid to the first petitioner and the sum of Rs.4,46,50,461/- (Rupees Four Crores Forty-Six Lakhs Fifty thousand Four Hundred and Sixty one only) from the fourth respondent to be paid to the second petitioner and pay the same to the petitioners.

For Petitioners : Mr.Abishek Jenasenan

For R1 : Mr.G.Ameedious
Government Advocate

For R2 & R3 : Mr.S.Balamurugan
Government Advocate

ORDER

The petitioner herein seeks a direction to the respondents 1 to 3 to execute the recovery warrant passed in favour of the petitioner in E.P.No.47 of 2023 and E.P.No.48 of 2023 on the file of the Tamil Nadu Real Estate Regulatory Authority to recover a sum of Rs.4,39,50,129.84/- from the fourth respondent payable to the first petitioner and the sum of Rs.4,46,50,461/- payable to the second petitioner.



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2. It is seen from the typed set of papers and affidavit filed in support of this writ petition, the Tamil Nadu Real Estate Regulatory Authority issued a recovery warrant in favour of the petitioners to recover a sum of Rs.4,39,50,129.84/- and a sum of Rs.4,46,50,461/- from the fourth respondent and the same was intimated to the first respondent by the Secretary of the Tamil Nadu Real Estate Regulatory Authority by letter dated 22.11.2023. Based on the said communication, the first respondent sent a communication to the respondents 2 & 3 in his letter dated 20.12.2023 directing the respondents 2 and 3 to recover the amount of Rs.4,39,50,129.84/- and Rs.4,46,50,461/- with interest from the fourth respondent under the provision of the Tamil Nadu Revenue Recovery Act and remit the same in the bank account of the petitioners respectively, after intimation to the first respondent. Though the communication of the first respondent was sent to the respondents 2 and 3 as early as on 20.12.2023, till date, there is no progress. Therefore, the petitioner is before this Court.

3. Mr.G.Ameedious, learned Government Advocate takes notice for the first respondent and Mr.S.Balamurugan, learned Government Advocate takes notice for the respondents 2 & 3.



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4. The learned Government Advocate appearing for the respondents 2 and 3 would submit that the recovery proceedings will be initiated as per the communication of the first respondent and the same will be completed within the time fixed by this Court.

5. In view of the above submission made by the learned Government Advocate, without going into the merits of the claim made by the petitioners, this Court is inclined to issue a direction to the respondents 2 and 3 to 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. It is needless to say the respondents 2 and 3 shall give reasonable opportunity to fourth respondent as per provisions of Revenue Recovery Act in the recovery proceedings.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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Chennai District, Chennai.
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Guindy Taluk, Chennai.
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S. SOUNTHAR, J.

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22.11.2024

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