



WEB COPY



W.P.No.36937 of 2024.

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.12.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE S.SOUNTHAR**

**W.P No.36937 of 2024**

Dr.S.Chandra

...Petitioner

Vs.

1. The District Collector  
Collectorate Office  
Kancheepuram  
Kancheepuram District.

2. The Tahsildar  
Sriperumbadur Taluk  
Kancheepuram District.

3. Manju Foundations Private Limited  
Rep. By its Managing Director  
N.Vidhyasagar  
NO.8/57, Sapthaswara Apartments  
2<sup>nd</sup> floor, Plot No.I,J,K and L  
1<sup>st</sup> Avenue, Ashok Nagar,  
Chennai-600 083

..Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to execute the recovery warrant issued under section 40(1) of the RERA Act R/w Section 26 of RERA Rules in EP.No. 18/2024 in RCP.No.61/2022 on the file of Tamil Nadu Real Estate Regulatory Authority for collecting the claim amount of



W.P.No.36937 of 2024.

Rs.54,81,160/- Rupees Fifty Four Lakhs and Eighty One Thousand and One Hundred and Sixty Three only) along with 9.30 percentage interest per annum on the basis of the representation dated 20/07/2024.

|                      |                     |
|----------------------|---------------------|
| For Petitioner       | : Mr.R.Rajarajan    |
| For respondents 1 &2 | : Mr.S.Balamurugan  |
|                      | Government Advocate |

### **ORDER**

The petitioner herein seeks a direction to respondents 1 and 2 to execute a recovery warrant issued by the Tamil Nadu Real Estate Regulatory Authority under Section 40(1) of RERA Act.

2. It is the case of the petitioner that there was a default on the part of the 3<sup>rd</sup> respondent in delivering the constructed building in time. Therefore, the petitioner moved the Real Estate Regulatory Authority and it passed an order directing the 3<sup>rd</sup> respondent to pay a sum of Rs.54,81,163/- together with interest and litigation expenses. Subsequently, the petitioner filed execution petition in E.P.No.18 of 2024 and a recovery warrant was issued under Section 40(1) of RERA Act. The recovery warrant was brought to the notice of the 1<sup>st</sup> respondent by the representation of the petitioner dated 20.07.2024.



W.P.No.36937 of 2024.

3. Mr.S.Balamurugan, learned Government Advocate, who takes notice for the respondents 1 and 2, submits that recovery proceedings will be taken up in accordance with law and final order will be passed within a time stipulated by this Court.

4. In view of the same, without going into the merits of the claim made by the petitioner, the 1<sup>st</sup> and 2<sup>nd</sup> respondents are directed to complete the recovery proceedings as per the recovery warrant issued by Tamil Nadu Real Estate Regulatory Authority in E.P.No.18 of 2024 in R.C.P.No.61 of 2022 within a period of twelve weeks from the date of receipt of copy of this order as per the procedure laid down under Tamil Nadu Revenue Recovery Act after giving reasonable opportunity to the 3<sup>rd</sup> respondent.

5. With the above directions, the writ petition stands disposed of. No costs.

**10.12.2024**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation Case : Yes/No  
nr

3/5



WEB COPY



W.P.No.36937 of 2021.

To

1. The District Collector  
Collectorate Office  
Kancheepuram  
Kancheepuram District.
2. The Tahsildar  
Sriperumbadur Taluk  
Kancheepuram District.



WEB COPY



W.P.No.36937 of 2024.

**S.SOUNTHAR, J.**

nr

**W.P No.36937 of 2024**

**10.12.2024**