



WEB COPY



W.P.No.37678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.37678 of 2024

1.Kannan Ramasubbu

2.Sharmila Soundararaj

... Petitioners

VS.

1.The District Collector
Chengalpet District Collectorate
Chengalpet

2.M/s. Akshaya Private Ltd
Represented by its Managing Director
7th Floor, 117/1, LB Road, Adyar,
Chennai-600 020

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioners dated 27.06.2024 and to execute the recovery warrant dated 18.04.2024 under Section 40(1) of RERA Act read with Rule 26 of TNRE (Regulation and Development)



W.P.No.37678 of 2024

Rules, 2017 issued by the Tamil Nadu Real Estate Regulatory Authority in the Execution Petition No. 53 of 2023 in C.C.P. No. 58 of 2021.

For Petitioners : Mr.T.Saikrishnan

For R1 : Mr.C.Kathiravan
Special Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as 1st respondent, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks a direction to the 1st respondent to consider representation of the petitioners' dated 27.06.2024 and to execute a recovery warrant dated 18.04.2024 issued by the Tamil Nadu Real Estate Regulatory Authority under Section 40(1) of RERA Act in Execution Petition No.53 of 2023 in C.C.P.No.58 of 2021.



W.P.No.37678 of 2024

3. It is the case of the petitioner that there was a default on the part of the 2nd respondent in delivering the constructed building in time. Therefore, the petitioner moved the Tamil Nadu Real Estate Regulatory Authority and it passed an order directing the 2nd respondent to pay a sum of Rs.36,69,518/- together with interest and litigation expenses. Subsequently, the petitioner filed execution petition in E.P.No.53 of 2023 and a recovery warrant was issued under Section 40(1) of RERA Act. The recovery warrant was brought to the notice of the 1st respondent by the representation of the petitioner dated 27.06.2024.

4. Mr.C.Kathiravan, learned Special Government Pleader, who is taking notice for the 1st respondent, 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.

5. In view of the same, without going into the merits of the claim made by the petitioner, the 1st respondent is directed to complete the recovery proceedings as per the recovery warrant issued by Tamil Nadu Real Estate Regulatory Authority in E.P.No.53 of 2023 in C.C.P.No.58 of



W.P.No.37678 of 2024

2021 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 2nd respondent.

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

20.12.2024
(2/2)

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



W.P.No.37678 of 2024

To

The District Collector,
Chengalpet District Collectorate,
Chengalpet.



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W.P.No.37678 of 2024

S.SOUNTHAR, J.

dm

W.P.No.37678 of 2024

20.12.2024
(2/2)