



W.P.No.1392 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.1392 of 2025

Santhakumari

... Petitioner

Vs.

1. The District Collector,
Collectorate, Coimbatore 641 018.
2. The Tahsildar, Coimbatore North Taluk,
Coimbatore 641 018.
3. M/s Crescentz Homes & Infrastructure Pvt Ltd.,
Rep. by it Director Mr.Zubair Ahmed Thajudeen,
No.1, Floor, Veerasamy Street,
Opposite to SRM Nightingale School,
West Mambalam, Chennai 600 033.
4. M/s Altimiz Infrastructure Ltd.,
Rep. by its Director, Mr.Zubair Ahmed Thajudeen,
Sri Abhirami Towers, III Floor, 43B, Cowly Brown Road,
R.S.Puram, Coimbatore 641 002.
5. M/s Crescentz Square,
Rep. by its Partner Mr.Jalal Ahmed,
SF No.446, Textool Colony,
Telungupalayam, Coimbatore 641 039.



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6. M/s Medhika Infrastructures,
Rep. by its Sole Proprietor Mrs.S.Tamilselvi,
w/o T.M.Sivanesan, Muthaiya Udayar Street,
Thiruporur 603 110.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the first respondent to execute the recovery warrant issued under Section 40(1) of the RERA Act r/w 26 of TNRERA Rules by the TNRERA, Chennai, vide E.P.No.7 of 2023 in C.C.P.No.261 of 2019 dated 06.06.2023 and 28.06.2023 for collecting the claim amount of Rs.17,13,640/- along with 10.35% p.a. on the petitioner's representation dated 13.07.2024.

For Petitioner : Mr.M.Vignesh

For Respondents : Mr.V.Ramesh, Govt.Advocate
for respondents 1 and 2

ORDER

The petitioner herein seeks a direction to the first respondent to execute the recovery warrant issued under Section 40(1) of the RERA Act r/w 26 of TNRERA Rules.

2. It is the case of the petitioner that she booked 2 BHK two unit in the apartment Blocks developed by one M/s Rajeswari Infrastructure. The petitioner paid an advance of Rs.17,13,460/- for both the units on



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06.02.2018. However, houses were not delivered to the petitioner, as per the terms. Hence, the petitioner filed a complaint under Section 31 of the Real Estate (Regulation and Development) Act, 2016 before the Tamil nadu Real Estate Regulatory Authority, Chennai seeking refund of the amount paid by the petitioner. The RERA Tribunal, by order dated, 11.05.2022 in C.C.P.No.261 of 2019, directed the fifth respondent to refund the amount of Rs.17,13,640/- along with interest at the rate of 10.35% p.a.. Since the fifth respondent failed to comply with the order, the petitioner filed E.P.No.7 of 2023 before the TNRERA and an order was passed on 06.06.2023 under Section 40(1) of the RERA Act, directing the fifth respondent to pay the afore said amount and recovery warrant was also issued. Even though order was passed in the execution petition as early as on 06.06.2023, till date, the respondents 1 and 2 have not implemented the same and they have not taken any steps to recover the amount from the fifth respondent and to pay the same to the petitioner. Therefore, the petitioner submitted a representation before the first respondent on 13.07.2024 seeking recovery of the amount, mentioned in the recovery warrant and the same has not been considered. Hence, the petitioner has come before



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this court.

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3. Mr.V.Ramesh, learned Government Advocate, who takes notice for the respondents 1 and 2 would submit that the first respondent will take necessary steps to recover the amount by initiating proceedings under the provisions of Revenue Recovery Act.

4. In view of the the submission made by the learned Government Advocate appearing for the respondents 1 and 2, without going into the merits of the claim made by the petitioner, this court is inclined to direct the first respondent to initiate necessary recovery proceedings and complete the same, within a period of twelve weeks from the date of receipt of copy of the order.

5. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

27.01.2025

Index:Yes/No
Internet:Yes/No
mst



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S.SOUNTHAR, J.

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