



W.P.No.2733 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 30.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.2733 of 2025

Prof. Dr. Shankari Sundararaman

... Petitioner

Vs.

- 1 . The District Collector,
Coimbatore District.
- 2 . The Revenue Divisional Officer,
Coimbatore North, Coimbatore District.
- 3 . The Tahsildar,
Coimbatore North, Coimbatore District.
4. The Tamil Nadu Real Estate Regulatory Authority (TNRERA),
rep. by its Administrative Officer,
Gandhi Irwin Road, Egmore,
Chennai 600 008.
5. M/s Sree Vandhana Builders Private Limited,
rep. by its Managing Director Mr.Tini W.Korah,
No.8, New Dhamu Nagar, Puliakulam Road,
Coimbatore 641 037.

... Respondents



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Prayer: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Mandamus, directing the respondents 1 to 3 to recover a sum of Rs.39,92,125/- with 10.05% interest along with Rs.25,000/- as Litigation expenses from the fifth respondent builder, as per the recovery order of the first respondent dated 31.07.2024 made in Ref. No.E 2978/2024/D3, issued in pursuance of the order dated 15.06.2023 passed by the fourth respondent in execution petition No.13 of 2022 in CCP No.117 of 2020, as arrears of land revenue in accordance with the provisions of Tamil Nadu Revenue Recovery Act, 1864, within the time frame fixed by this court.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mr.V.Ramesh, Government Advocate
for respondents 1 to 3

ORDER

The petitioner herein seeks a direction to the respondents 1 to 3 to recover a sum of Rs.39,92,125/- with 10.05% interest along with Rs.25,000/- towards Litigation expenses from the sixth respondent, as per the proceedings issued by the first respondent in Ref.No.E 2978/2024/D3, dated 31.07.2024



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2. It is the case of the petitioner that he booked a flat bearing No.B-407, 4th floor, Block-B, measuring 1230 sq.ft. in Vardhana Constellation, Rathinagiri Road, AMD Nagar, Vilankurichi, Coimbatore with the fifth respondent and the fifth respondent has not completed and handed over the flat to the petitioner and the project was abandoned by the fifth respondent/builder. Therefore, the petitioner made a complaint before the Tamil Nadu Real Estate Regulatory Authority (TNRERA) in C.C.P.No.117/2020 against the fifth respondent. The said authority passed an order, dated 13.05.2022, directing the third respondent to pay a sum of Rs.39,92,125/- along with interest at the rate of 10.05% p.a. The fifth respondent was also directed to pay the litigation expenses of Rs.25,000/- to the petitioner. Subsequently, recovery order was issued by the Tamil Nadu Real Estate Regulatory Authority (TNRERA) under Section 41(8) of RERA Act for recovery of the said amount.

2.1. Based on the recovery warrant issued by the RERA, the first respondent in his reference No.E2978/2024/D3 dated 31.07.2024, directed the third respondent to recover the above said amount from the



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fifth respondent and pay the same to the petitioner, by invoking the provisions of the R.R. Act. In spite of the same, the third respondent has not initiated any steps for recovery of the amount. Hence, the petitioner has come before this court.

3. Mr.V.Ramesh, learned Government Advocate, takes notice for respondents 1 to 3.

4. Since no adverse order is passed as against the respondents 4 and 5, notice to the respondents 4 and 5 is dispensed with.

5. The learned Government Advocate appearing for the respondents 1 to 3 would submit that the recovery proceedings will be completed within a time stipulated by this court.

6. It is not in dispute that the first respondent in his communication dated 31.07.2024, directed the third respondent to recover the amount, as per the order passed by the Tamil Nadu Real Estate Regulatory Authority (TNRERA). Therefore, in view of the submission made by the learned Government Advocate, without expressing any opinion on the claim made by the petitioner, this court is inclined to direct the third respondent to complete the recovery



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proceedings, as per the communication of the first respondent and in accordance with the order passed by the Tamil Nadu Real Estate Regulatory Authority (TNRERA), within a period of twelve weeks from the date of receipt of copy of the order.

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

There shall be no order as to costs.

30.01.2025

Index:Yes/No
Internet:Yes/No
mst

To

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S.SOUNTHAR, J.

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