



W.P.No.5816 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

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CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

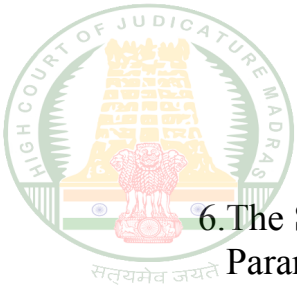
Writ Petition No.5816 of 2025

Kandasamy

... Petitioner

Vs.

- 1.The Chairperson,
Tamil Nadu Real Estate Regulatory Authority (TNRERA),
No.1A, First Floor,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 2.District Town and Country Planning Assistant Director,
District Town and Country Planning Office,
D.No.6f/12,17, Paramathi Road,
Namakkal District.
- 3.The District Registrar,
District Registrar Office,
Namakkal District.
- 4.The Assistant Director (Land Survey),
Namakkal District Collector's Office,
Namakkal District.
- 5.The Revenue Tahsildar,
Tahsildar's Office,
Namakkal Taluk,
Namakkal District.



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6.The Sub Registrar,
Paramathi Sub Register Office,
Paramathi, Namakkal District.

7.Block Development Officer,
Namakkal Panchayat Union,
Namakkal Taluk,
Namakkal.

8.HAPPYMIND REALTORS,
Rep. by its Directors,
Door No.1/190A, Muthugapatti,
Sendamangalam Taluk,
Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the second respondent to re-evaluate and reconsider, through a field inspection, the DTCP approval granted for the vacant land named Vistancia Toll Gate based on the petitioner representation dated 24.01.2025.

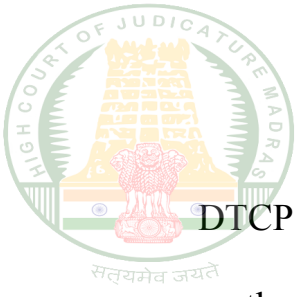
For Petitioner : Mr.S.Ramesh

For Respondents 1 to 6 : Mr.M.Rajendiran,
Additional Government Pleader

For Respondent 7 : Mr.U.M.Ravichandran
Special Government Pleader

ORDER

The petitioner has filed this petition seeking to direct the second respondent to re-evaluate and reconsider, through a field inspection, the



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DTCP approval granted for the vacant land named Vistancia Toll Gate based on the petitioner representation dated 24.01.2025.

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2. Since no adverse order is being passed, this writ petition is taken up for final hearing.

3. The case of the petitioner is that the eighth respondent, HAPPYMIND REALTORS (Reg. No. FR/Namakkal/311/2021), developed a housing layout named "VISTANCIA TOLL GATE" on 4.96 acres in Rasampalayam Village, under the jurisdiction of the sixth respondent. The eighth respondent advertised that the project had obtained necessary approvals, including DTCP approval from the second respondent, for selling house site plots. Relying on this advertisement, the petitioner contacted Mr.P.Senthil, the Power of Attorney holder of the eighth respondent, and booked Plot No. 16, measuring 3,012.5 sq. ft. However, only 3,000 sq.ft. was registered in the petitioner's name through Sale Deed No.1605/2023, dated 10.04.2023. Upon purchasing the plot, the petitioner applied for a patta,



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which was issued under Patta No.7213 for 00.2.79 Ares. However, upon measurement by a qualified surveyor, it was discovered that the actual extent of the property was only 2,800 sq. ft., significantly less than stated in the sale deed, DTCP-approved layout, and RERA records. The eighth respondent fraudulently misrepresented the property extent and obtained approvals from the second respondent based on false information, securing final approval from the first respondent. Furthermore, the eighth respondent obtained DTCP approval for 4.9675 acres and 89 plots (Na.Ka.No.542/2022, dated 04.05.2022) without proper measurement, and the respondent approved the layout (TN/08/Layout/8944/2022, dated 14.11.2022) without verification.

3.1. With the influence of its partners, the eighth respondent secured panchayat approval through Resolution No.17/2022-2023, dated 15.08.2022, and obtained final approval on 26.09.2023 via Na.Ka.No.01/2022-2023 from the Rasampalayam Panchayat. To ascertain the correct property extent, the petitioner engaged a surveyor, who provided only a rough sketch. Therefore, the petitioner submitted an application (No. 2025/0123/09/003020, dated 13.01.2025) to the fourth respondent for an official survey. The petitioner



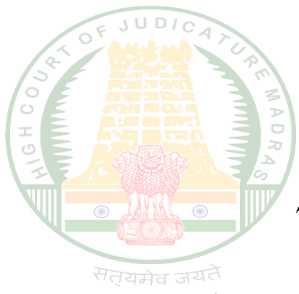
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also submitted a representation to the respondents 1 to 7 on 24.01.2025, but it remains pending without consideration or disposal. Due to such inaction on the part of the respondents, the petitioner has come forward with the present writ petition.

4. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that it would suffice if this Court issues direction to the second respondent to consider the petitioner's representation dated 24.01.2025 and pass appropriate orders on merits and in accordance with law, within a time frame to be fixed by this Court.

5. Learned Additional Government Pleader appearing for the respondents 1 to 6 has no objection for the said order being passed by this Court.

6. Heard the learned counsel on either side and perused the materials available on record.



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7. Considering the limited prayer sought for by the learned counsel for the petitioner, this Court without going into the merits of the case issues direction to the fourth respondent to consider the petitioner's representation dated 24.01.2025 after issuing due notice to the petitioner and the eighth respondent, affording an opportunity of personal hearing and conducting enquiry on merits, in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the aforesaid observation and direction. No costs.

20.02.2025

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



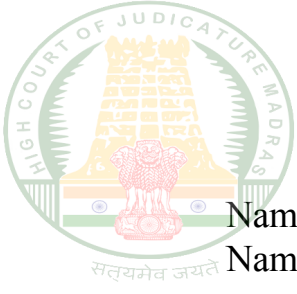
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- 3.The District Registrar,
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- 4.The Assistant Director (Land Survey),

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Namakkal District Collector's Office,
Namakkal District.

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- 5.The Revenue Tahsildar,
Tahsildar's Office,
Namakkal Taluk,
Namakkal District.
- 6.The Sub Registrar,
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