



Writ Petition No.15967 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 02.06.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.15967 of 2025
and
W.M.P.Nos.18064 & 18065 of 2025

Amient Hotels Resorts And Estates Private Limited
Rep. By Its Director,
Tariq Muhammed Akbar,
No.33, Kodambakkam High Road,
Chennai-600 034.

Petitioner

Vs

1.The District Collector,
Chengalpattu Collectorate, Chengalpet.

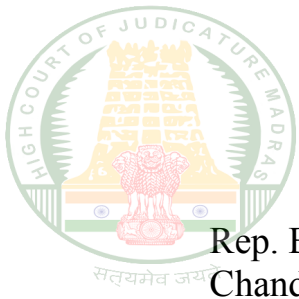
2.Tashildar
Thiruporur, Chennai.

3.Abhishek Modi

4.M/s.Influence Infrastructure
Rep. By Its Partner Naresh Kumar Jain,
91, Poonamalee High Road,
Chennai-600 084

5.M/s.Influence Enterprises India Private Limited,
Rep. By Its Managing Director,
Naresh Kumar Jain,
6/9 Wallace Garden II Street,
Nungambakkam, Chennai-600 034.

6.M/s.Vijay Shanthi Builders Limited,



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Rep. By Its Managing Director,
Chandan Kumar Jain,
No.3, Blackers Road, Chennai-600 002.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari calling for records to quash the notice of attachment in Form No.5 under Section 27 of the Real Estate (Regulation and Development) Act, on 24.07.2024 issued by the 1st respondent in respect of the properties comprised in S.Nos. 126/2A, 126/2C, 126/2D and 126/2E, Thiruvидanthai Village, Chengalpet Taluk, Kanchipuram District.

For Petitioner : Mr.S.P.Arthi

For Respondents : Mr.G.Velu
Additional Government Pleader
[R1 & R2]

ORDER

This writ petition has been filed challenging the impugned notice of attachment issued by the first respondent in Form No.5 under Section 27 of the Real Estate (Regulation and Development) Act (hereinafter referred to as 'the Act') with respect to the properties comprised in S.Nos.126/2A, 126/2C, 126/2D and 126/2E, Thiruvидanthai Village, Chengalpet Taluk, Kanchipuram District.

2. Heard Mr.S.P.Arthi, learned counsel for the petitioner and Mr.G.Velu, learned Additional Government Pleader, appearing for respondents 1 and 2.

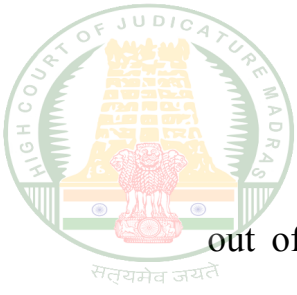
3. The crux of the issue raised by the learned counsel for the



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petitioner is that the fifth respondent had conveyed in favour of the mother of the third respondent an undivided share of 4876.63 sq.ft. of land in Survey Nos.126/2C, 126/2D and 126/2E. The third respondent, through his mother, also offered a villa having a super built-up area of 4965 sq.ft. to be constructed by the respondents 5 and 6. The third respondent seems to have approached RERA, Chennai and by order dated 28.10.2020, the TNRERA passed an order directing the respondents 4 to 6 to pay compensation to the third respondent for having failed to honour the commitment in their capacity as promoters. A further direction was also issued to cancel the sale deed under which the undivided share was conveyed. The petitioner was not a party to the proceedings before RERA. Based on this order, the third respondent filed E.P.No.71 of 2021 for executing an order and through the order dated 29.04.2022, a recovery warrant was issued under Section 40(1) of the Act r/w Rule 26 of Rules. The said warrant was sent to the District Collector to recover the amount by attachment of two items of properties. The grievance of the petitioner is that instead of attaching the property, which is the subject matter of dispute, the entire property under patta No.1209 at Thiruvидanthai Village was attached. In other words, according to the petitioner, what has to be attached is only the undivided share of the land measuring 4876.63 sq.ft.



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out of 373 cents, whereas, the entire property has been attached. Two representations were made by the petitioner in this regard on 14.10.2024 and 10.03.2025 and the same did not evoke any response. It is under these circumstances, the notice of attachment has been put to challenge in the present writ petition.

4. In the considered view of this Court, the grievance expressed by the petitioner is pointed and it only confines to attachment of larger extent of property than what was the subject matter before the RERA. If that is so, the first respondent can always deal with the objection given by the petitioner and see if larger extent of property has been attached and if that is so, confine it only to that extent of property, which is the subject matter before the RERA. If this writ petition is kept pending for deciding this issue, no one will be benefited. Ultimately, the third respondent has to get the relief.

5. In the light of the above discussion, there shall be a direction to the first respondent to deal with the representation made by the petitioner on 10.03.2025 and see if the subject property under Patta



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No.1209 at Thiruvidadanthai Village has to be released from attachment

and the attachment has to confine itself only to the property under dispute before the RERA. While undertaking such exercise, notice shall be issued to the third respondent. A decision shall be taken within a period of four (4) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

02.06.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To
1.The District Collector,
Chengalpattu Collectorate, Chengalpet.

2.Tashildar
Thiruporur, Chennai.

N.ANAND VENKATESH, J

gm



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