



W.P.No.13610 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13610 of 2025

and

W.M.P.Nos.15273 & 15274 of 2025

P.Savitha

... Petitioner

Vs.

- 1.The Additional Director
Tamil Nadu Real Estate Regulatory Authority
No.1A, 1st Floor
Gandhi Irwin Bridge Road, Egmore
Chennai 600 008.
- 2.The Village President
Vaikundam Village Panchayat
Magudanchavadi Panchayat Union.
- 3.The Sub-Registrar
Magudanchavadi Sub-Registrar Officer
Magudanchavadi.



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4. Deputy Director Town and Country Planning
Salem, Sannathy Street
Subramaniya Nagar
Salem 636 302.

5. Block Development Officer
Magudanchavadi
Magudanchavadi Post
Sankari Taluk.

6. Naveen Kumar
(Promoter of the Project "COSMO SQUARE")
Door No.81/75, Karur Main Road
Kolathupalayam
Dharapuram, Tiruppur 638 661.

7. Sukumar
8. Malarkodi
9. Banumathi

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records on the file of the first respondent herein in his proceeding in Registration Certificate of Project in Form-C bearing project Registration Number TN/7/Layout/3480/2024 and Project Name: "COSMO SQUARE" dated 12.09.2024, and quash the same.



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For Petitioner : Mr.A.P.Karventhan

For Respondents : Mr.E.Sundaram
for R1, 2, 5 & 6
Government Advocate

ORDER

This Writ Petition is filed challenging the Registration of the project in Form-C bearing project Registration No.TN/7/Layout/3480/2024 and project name “COSMO SQUARE” dated 12.09.2024.

2. Upon hearing the learned counsel for the petitioner, the grievance of the petitioner seems to be that the petitioner is the owner of the property in question and there is a dispute with reference to the title of the property. Be that as it may, in the meanwhile, the private respondents namely respondents 6 to 9 have filed an application and got the project registered before the Tamil Nadu Real Estate Regulation Authority.



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3. The learned counsel would draw the attention of this Court to a photograph that is uploaded by the said developers, which is contained in Page 167 onwards in the typed set of papers. The said photographs are not the actual photographs of the site. The learned counsel would draw the attention of this Court to the actual photographs that he has produced at page 151 of the typed set of papers. Therefore by fraudulent representation, as if developmental activities have taken, the project has been registered. Further, the learned counsel would submit that a fake certificate with reference to inspection has been produced and therefore, the entire registration is obtained by committing fraud on the authority and therefore, this Court should interfere.

4. I am of the view that the petitioner being aggrieved by a decision made by the Real Estate Regulation Authority in registering the project is entitled to file an appeal before the Appellate Authority under Section 31 of the Real Estate (Regulation and Development) Act 2016. All the grounds raised in the present Writ Petition can be raised before the said appellate authority also.



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5. In view thereof, keeping open the liberty of the petitioner to prefer an appeal before the appropriate Authority, this Writ Petition stands disposed of. At this stage the learned counsel for the petitioner prays that an interim protection be given. Even the interim order can be prayed before the appellate Authority. No costs. Consequently, connected Miscellaneous Petitions are closed.

17.04.2025

Neutral Citation : No
dna



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