



W.P.No.14216 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.14216 of 2025

and

WMP.Nos.15983 & 15984 of 2025

Vikas Mantra Properties and Infrastructure Private Limited
Represented by its Managing Director
Mr.Shanmuga Prabu Vaithilingam
having its registered office at
First Floor No.27
Anandha Bhavan 10th Avenue
Ashok Nagar, Chennai 600 083.

... Petitioner

Vs.

The Additional Director
Tamil Nadu Real Estate Regulatory Authority
(TNRERA) No.1A, First Floor, Gandhi Irwin Road
Egmore, Chennai 600 008.

...Respondent



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to

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No.TNRERA/PBF/0092/2025 dated 13.02.2025 passed by the respondent herein and quash the same.

For Petitioner : Mr.A.Tamilvanan

For Respondent : Mr.V.Manoharan
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the order dated 13.02.2025. By the said order, the penalty of a sum of Rs.20,10,940/- is levied on the petitioner. According to the learned counsel for the petitioner, the petitioner has not sold the property and the petitioner is also not a developer. The petitioner was never heard before the passing of the said order.



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2. Mr.V.Manoharan, the learned Additional Government Pleader

takes notice and submits that there is an appeal remedy as against the order of penalty that is passed by the appellate authority.

3. In reply thereof, the learned counsel for the petitioner would submit that even on a perusal of the impugned order, it can be seen that the petitioner was never heard, no show cause notice was given. Therefore, when the authority has passed the order in violation of principles of natural justice the petitioner is entitled to approach this Court.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. The petitioner has made a positive averment that no show cause notice was issued and the petitioner was never heard before passing the impugned order. The same is recorded. It can also be seen from the impugned order dated 13.02.2025, it does not refer to any notice or any explanation that is submitted by the petitioner or any hearing that have taken place. It only



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says that the order is passed on the petitioner's own application. Even if the

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petitioner has made an application and if the authority finds that the penalty has to be imposed, then as per Section 38 (2) of the Act the authority shall be guided by the principles of natural justice that is to say that the authority coming to the prima facie conclusion ought to have given an opportunity to the petitioner to show cause as to why penalty should not be imposed against them and thereafter, only ought to have passed the impugned order.

6. In view thereof, this Writ Petition is allowed on the following terms;

(i) The impugned order dated 13.02.2025 shall be treated as a show cause notice and the petitioner can submit his explanation as to why it is not liable for such penalty;

(ii) The explanation submitted by the petitioner shall be considered by the first respondent and it will be open for the first respondent to pass fresh orders thereon in accordance with law;



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(iii) The petitioner shall submit his explanation within two weeks from the date of receipt of the web copy of the order and thereafter within 8 weeks therefrom, final orders can be passed in accordance with law.

(iv) No costs. Consequently, connected Miscellaneous Petitions are closed.

22.04.2025

Neutral Citation : No
dna

To

The Additional Director
Tamil Nadu Real Estate Regulatory Authority
(TNRERA) No.1A, First Floor, Gandhi Irwin Road
Egmore, Chennai 600 008.



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D.BHARATHA CHAKRAVARTHY, J.
dna

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