



W.P.No.30617 of 2024 & Cont.P.No.2833 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.30617 of 2024 & Cont.P.No.2833 of 2024

and

W.M.P.Nos.33224, 33284, 33285 & 42342 of 2024

W.P.No.30617 of 2024

Savithanjali Flat Buyers Association,
Rep. by Secretary, J.Venkateraman,
Flat No.9, Anand Apartments, Srinagar Colony,
Saidapet, Chennai – 600 015.

... Petitioner

Vs.

- 1.The District Collector,
Chengalpattu District,
Collectorate Officer, GST Road,
Chengalpattu – 603 001.
- 2.The District Revenue Officer,
Chengalpattu District Registrar Office,
JCK Nagar, Peranur, Chengalpattu – 603 002.
- 3.The Tahsildar,
Thiruporur Taluk, Taluk Office Road,
Thiruporur – 603 110.

... Respondents

Cont.P.No.2833 of 2024

Jegannathan

... Petitioner

Vs.



W.P.No.30617 of 2024 & Cont.P.No.2833 of 2024

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S.Arunraj, I.A.S.,
The District Collector,
Collectorate,
GST Road,
Chengalpattu – 603 001.

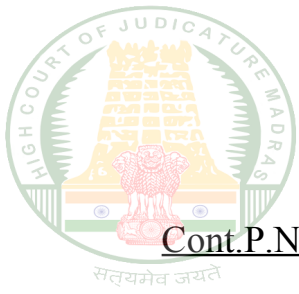
... Respondent

Prayer in W.P.No.30617 of 2024 : Writ Petition filed under Article 226 of Constitution of India pleased to issue a Writ of Certiorarified Mandamus, to call for records relating to Form No.5, Section 27 – Notice of attachment published on the file of 1st respondent in Na.Ka.No.11228/U3 dated 07.07.2023 published in Chengalpattu District Gazette No.30, Dt.18.07.2023 on the file of first respondent and quash the same and forbear the respondents from implementing the attachment in E.P.No.13/2020, 6/2022, 7/2022, 8/2022, 9/2022, 3/2023, 18/2023, 19/2023 on the file of Adjudicating Office (TNRERA) under Revenue Recovery Act in respect of sold UDS belonging to the members of the petitioner Association.

Prayer in Cont.P.No.2833 of 2024: Contempt Petition filed under Section 11 of the Contempt Courts Act, 1971, seeking to punish the contemnor/respondent for his willful disobedience of the order passed by this Court made in W.P.No.6618 of 2023 dated 06.03.2023.

W.P.No.30617 of 2024

For Petitioner : Mr.J.R.K.Bhavanantham
For Respondents : Mr.P.Sathish
Additional Government Pleader



W.P.No.30617 of 2024 & Cont.P.No.2833 of 2024

Cont.P.No.2833 of 2024

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For Petitioner : Mr.R.L.Dhilipan Pandian
For Respondent : Mr.P.Sathish
Additional Government Pleader

COMMON ORDER

W.P.No.30617 of 2024 is filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for records relating to Form No.5, Section 27 – Notice of attachment published on the file of 1st respondent in Na.Ka.No.11228/U3 dated 07.07.2023 published in Chengalpattu District Gazette No.30, Dt.18.07.2023 on the file of first respondent and quash the same and forbear the respondents from implementing the attachment in E.P.No.13/2020, 6/2022, 7/2022, 8/2022, 9/2022, 3/2023, 18/2023, 19/2023 on the file of Adjudicating Office (TNRERA) under Revenue Recovery Act in respect of sold UDS belonging to the members of the petitioner Association.

2. Cont.P.No.2833 of 2024 is filed seeking to punish the contemnor/respondent for his willful disobedience of the order passed by this Court made in W.P.No.6618 of 2023 dated 06.03.2023.



W.P.No.30617 of 2024 & Cont.P.No.2833 of 2024

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3. The 1st respondent in the writ petition has issued a notice of attachment dated 07.07.2023, in which, instead of attaching the B schedule property as per the execution proceedings to an extent of 1,19,349 sq.ft. i.e., total unsold UDS in Phase I and II of the project out of the land measuring an extent of 2,78,784 sq.ft, however, the entire A schedule property was sought to be attached in the impugned notice of attachment. Challenging the same, W.P.No.30617 of 2024 has been filed before this Court. Similarly, the person, who obtained decree from the RERA Authority also filed a writ petition for implementation of the decree before this Court for in W.P.No.6618 of 2023 and this Court, by its order dated 06.02.2023 issued a direction to the respondents therein to implement the order of the RERA Authority within a period of four weeks from the date of receipt of a copy of the order, however, the said order has not been complied with. Hence, Cont.P.No.2833 of 2024 has been filed before this Court.

4. Learned counsel appearing for the writ petitioner submitted that, pursuant to the order passed by this Court in W.P.No.6618 of 2023, dated 06.02.2023, the modified auction notice dated 24.10.2024 was issued.



W.P.No.30617 of 2024 & Cont.P.No.2833 of 2024

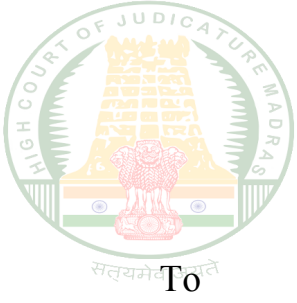
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6. Since there is no wilful disobedience on the part of the respondent in the contempt petition, Cont.P.No.2833 of 2024 is closed.

7. In view of the modified auction notice dated 24.10.2024, the writ petition in W.P.No.30617 of 2024 is dismissed as infructuous with liberty to the writ petitioner to challenge the modified auction notice dated 24.10.2024 in the manner known to law. In view of the order passed in the writ petition, this court is of the view that no order is necessary in the writ miscellaneous petition in W.M.P.No.42342 of 2024 seeking to implead the petitioner therein as the 4th respondent in the above writ petition and accordingly, the same is closed. No costs. Consequently, the connected writ miscellaneous petitions are also closed.

09.01.2025

Index : Yes / No
Speaking order / Non-speaking order
NCC:Yes/No
sp



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To
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M.DHANDAPANI, J.

sp

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