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W.P.No.34438 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 12.09.2025**

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

**W.P.No.34438 of 2025**

N.Prema

... Petitioner

Vs.

1.The District Collector,  
Chengalpet District,  
Chengalpet.

2.The Revenue Divisional Office,  
Tambaram Division.

3.The Tahsildar,  
Vandalur Taluk,  
Vandalur.

4.M/s.SSM Builders & Promoters,  
Rep. by its Managing Partner,  
K.Santhanam

5.K.Selvakumar

6.M.Karthikeyan

7.V.Mani

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to



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initiate appropriate action against the 4<sup>th</sup> respondent as per the Tamil Nadu Revenue Recovery Act, 1864 to execute the revenue warrant dated 06.06.2023 issued by the Tamil Nadu Real Estate Regulatory Authority as mandated under Section 40 (1) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 26 of Tamil Nadu Estate (Regulation and Development) Rules, 2017 within a time frame that may be fixed by this Court.

For Petitioner : Mr.J.Saravana Vel

For Respondents : Mr.M.Rajendiran  
Additional Government Pleader [R1 to R3]  
Notice dispensed with [R4 to R7]

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### **ORDER**

The petitioner, who is a senior citizen has filed this writ petition seeking for a direction upon the official respondents to execute the revenue warrant issued by the Tamil Nadu Real Estate Regulatory Authority (in short "TN RERA").

2. Since no adverse order has been passed against the respondents 4 to 7, notice to the respondents 4 to 7 is dispensed with.

3. Mr.M.Rajendiran, learned Additional Government Pleader,



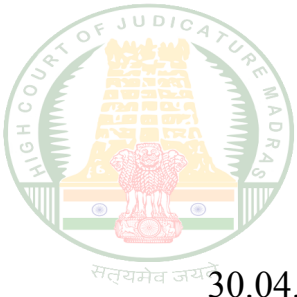
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accepts notice on behalf of the respondents 1 to 3. With the consent of the learned counsel appearing for the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The petitioner has engaged the 4<sup>th</sup> respondent to construct a flat. There was a delay in handing over the possession of the flat after construction by the 4<sup>th</sup> respondent. Hence, the petitioner had filed a petition before the TN RERA, Chennai in C.C.P.No.116 of 2021. The said authority after hearing the parties, passed an order directing the 4<sup>th</sup> respondent to pay a sum of Rs.6,62,540/-. Thereafter, the petitioner filed an execution petition in E.P.No.7 of 2023 before the said authority and by order dated 29.05.2023, TN RERA issued a recovery warrant and directed the 1<sup>st</sup> respondent to collect the amount and satisfy the claim.

5. Aggrieved by the order of the RERA, the 4<sup>th</sup> respondent filed an appeal in C.C.P.No.116 of 2021 before the appellate authority. The appellate authority dismissed the appeal vide order dated 21.11.2022. Thereafter, the 4<sup>th</sup> respondent has preferred an appeal before the Division Bench of this Court, which was also dismissed vide order dated



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30.04.2024. Therefore, the order passed by the RERA has become final.  
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6. Armed with the order passed by the RERA and the recovery warrant, the petitioner has approached the 1<sup>st</sup> respondent seeking execution of the recovery warrant. The 1<sup>st</sup> respondent authorized the 3<sup>rd</sup> respondent to initiate action to recover the amount as ordered by the RERA. Thereafter, the file started gathering dust. The petitioner made series of representations to the respondents 1 and 3, however the said authorities have not taken any action. Therefore, the petitioner has approached this Court seeking for a Mandamus, to direct the respondents 1 to 3 to execute the recovery warrant.

7. Heard the learned counsel for the parties and perused the materials available on record.

8. Since the issue has reached its finality and the attempts of the 4<sup>th</sup> respondent have miserably failed, the 1<sup>st</sup> respondent ought to have honoured the verdict of RERA and also the appellate authority too. Therefore, the 4<sup>th</sup> respondent is directed to deposit the entire amount as



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ordered by the RERA before the said authority, within a period of two weeks from the date of receipt of a copy of this order. Upon such deposit being made, the petitioner is permitted to file appropriate application for withdrawal of the same. If the 4<sup>th</sup> respondent fails to deposit the amount, the 1<sup>st</sup> respondent is directed to implement the order of the RERA in the manner known to law.

9. With the above observations and directions, this Writ Petition is disposed of. No costs.

**12.09.2025**

Index : Yes / No  
Speaking order / Non-speaking order  
Neutral Citation Case : Yes / No  
sp

To

- 1.The District Collector,  
Chengalpet District, Chengalpet.
- 2.The Revenue Divisional Office,  
Tambaram Division.
- 3.The Tahsildar,  
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**M.DHANDAPANI, J.**

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