



W.P.No.34408 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.34408 of 2023
and W.M.P.No.34322 of 2023**

Shekhar Murthy

... Petitioner

Vs.

1.The Collector,
Kancheepuram District Collectorate,
Kancheepuram-631 501.

2.The Tahsildar,
Kancheepuram Taluk Office,
Kancheepuram-631 501.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to proceed and perform their statutory duties by executing the attachment, auction or sale of the property described in the Recovery Warrant dated 13.12.2022 and to recover the amount under the Recovery Warrant as arrears of Land Revenue within a stipulated time fixed by this Court.



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For Petitioner : Mr.Ralph V.Manohar
For Respondents : Ms.S.Anitha
Special Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to proceed and perform their statutory duties by executing the attachment, auction or sale of the property described in the Recovery Warrant dated 13.12.2022 and to recover the amount under the Recovery Warrant as arrears of Land Revenue within a stipulated time fixed by this Court.

2. The learned counsel appearing for the petitioner submits that the petitioner had purchased a flat in the project, namely, Serene Kshetra and the construction agreement dated 08.06.2015 was executed between the allottee and promoters and as per the agreement, the date of delivery was 31.12.2016, however, the possession of the house was handed over only on 17.03.2018. Hence, the petitioner filed a complaint in C.C.P.No.284 of 2021 under Section 31 read with Section 71 of Real Estate (Regulation and



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Development) Act, 2016, wherein, an order was passed on 19.04.2022 directing the promoter to pay a sum of Rs.2,41,540/- as arrears of land revenue and as the order was not complied with by the promoter, the petitioner filed E.P.No.39 of 2022 in C.C.P.No.284 of 2021 for execution of the order and the Execution Petition was ordered on 12.12.2022 and the Adjudicating Officer issued the recovery warrant on 13.12.2022 to the first respondent to attach the schedule property and recover the amount. Despite the aforesaid direction issued, the respondents failed to comply with the same. Therefore, the petitioner made a representation on 13.06.2023 to the respondents to take appropriate proceedings by executing recovery warrant and recover the amount due from the aforesaid promoter, however, no action has been taken. Hence, this Writ Petition has been filed.

3. The learned counsel appearing for the petitioner submits that it would suffice if this Court directs the first respondent to execute the recovery warrant dated 13.12.2022 issued by the Adjudicating Officer in E.P.No.39 of 2022 in C.C.P.No.284 of 2021, within a reasonable time.



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4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. In view of the limited request made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, directs the first respondent to execute the recovery warrant dated 13.12.2022 issued by the Adjudicating Officer in E.P.No.39 of 2022 in C.C.P.No.284 of 2021 within a period of 12 weeks from the date of receipt of a copy of this order, if there is no legal impediment.

6. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

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M.DHANDAPANI, J.

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