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C.M.P.Nos.23376, 23378 & 23380 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

C.M.P.Nos.23376, 23378 & 23380 of 2025

in

CMSA No.58 of 2023

Dr.Vandana Parvez
9M SIS Meridian
7 Gangai Nagar
Velacheri Bypass Road
Chennai-600 042.

.. Petitioner in all CMPs

Vs

1. IVR Hotels & Resorts Private Ltd
Represented by its Director Mr.E.C.Theodore Solomon
30-A South Phase, III Floor, South Phase
Thiru.Vi.Ka.Industrial Estate
Guindy, Chennai-600 032.

Present Regional Office
Survey Number 419, Aavisa Project



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State Highways 120 (Walajabad Road)
Santhavelore Village, Sunguvarchatiram
Kanchipuram District.

Present Registered Office : MHIR, #8-2-350/5/A/24/1B & 2
Road No.2, Panchavati Colony
Banjara Hills, Hyderabad, Telangana 500 034.

2. Kotak Alternate Opportunities (India) Fund
27-BKC, 6th Floor, Plot No.C-27, "G" Block
Bandra - Kurla Complex
Bandra (East)
Mumbai - 400 051.
3. Kotak India Realty Fund
Kotak Alternate Opportunities (India) Fund
27-BKC, 6th Floor, Plot No.C-27, "G" Block
Bandra - Kurla Complex
Bandra (East)
Mumbai - 400 051.
4. Kotak Investment Advisors Limited
New Name : Kotak alternate Asset Managers Limited
27-BKC, 6th Floor, Plot No.C-27, "G" Block
Bandra - Kurla Complex
Bandra (East)
Mumbai - 400 051.
5. IVR Prime Urban Developers Ltd
M22/3RT, Vijaynagar Colony



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Hyderabad
Andhra Pradesh - 500 057.

6. Soma Hotels & Resorts Ltd
M22/3RT, Vijaynagar Colony
Hyderabad
Andhra Pradesh - 500 057.
7. E.Sudhir Reddy
M22/3RT, Vijaynagar Colony
Hyderabad
Andhra Pradesh - 500 057.
8. E.Sunil Reddy
M22/3RT, Vijaynagar Colony
Hyderabad
Andhra Pradesh - 500 057.
9. E.Ella Reddy
M22/3RT, Vijaynagar Colony
Hyderabad
Andhra Pradesh - 500 057.
10. M.Mahesh
M22/3RT, Vijaynagar Colony
Hyderabad
Andhra Pradesh - 500 057.
11. Subhangi Kulkarni
M22/3RT, Vijaynagar Colony



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Hyderabad
Andhra Pradesh - 500 057.

12. RIHIM Developers Pvt. Ltd.,
MIHIR, #8-2-350/5/A/24/1B & 2
Road No.2, Panchavati Colony
Banjara Hills, Hyderabad
Telangana 500 034.

..Respondents in all CMPs

Civil Miscellaneous Petition No.23376 of 2025 filed under 151 of CPC, praying to direct the local police and Sub-Registrar, Sunguvarchatram, to prevent registration or mutation of any portion of the Aavisa lands, pending disposal of CC.No.2363/2024 on the file of Hon'ble Chief Metropolitan Magistrate, CB-CID Bench at Egmore, (Chennai).

Civil Miscellaneous Petition No.23378 of 2025 filed under 151 of CPC, praying to direct the respondents to maintain status quo with respect to title, possession and master plan of the Aavisa Golf Township as envisaged under the Joint Venture Agreement dated 05.12.2007 and the Aavisa presentation shared with the petitioner and other home buyers.

Civil Miscellaneous Petition No.23380 of 2025 filed under 151 of CPC, praying to grant an order of temporary injunction restraining the respondents, their partners, their agents, or any person from proceeding with any construction, development, sale, transfer or creation of third party rights in



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respect of the Aavisa lands, more particularly described with survey numbers in the SEIAA Report dated 03.08.2009, pending disposal of CC.No.2363 of 2024 on the file of the Hon'ble Chief Metropolitan Magistrate, CB-CID Bench at Egmore (Chennai).

For Petitioner in all CMPs : Ms.Vandana Parvez
party-in-person
For Respondents in all CMPs : Mr.Thriyambak J. Kannan
for R1
Mr.N.Ramakrishnan
of M/s.ARK Law Associates
for R2 & R4

ORDER

(Made by **HEMANT CHANDANGOUDAR, J.**)

In CMSA No.58 of 2023, the challenge is to the order dated 27.09.2023 passed by the Tamil Nadu Real Estate Appellate Tribunal (TNREAT) in Appeal No.43 of 2022, by which the order of the Tamil Nadu Real Estate Regulatory Authority (TN RERA) in Complaint No.336 of 2019 was upheld. Under the said order, the first respondent/appellant, IVR Hotels & Resorts Private Limited, was directed to register the subject real estate project with the Authority.

2. The three CMPs have been filed by the first respondent in CMSA No.58 of 2023 seeking the following reliefs:



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(i) CMP No.23376 of 2025 — to direct the local police and the Sub-Registrar, Sunguvarchatram, to prevent the registration or mutation of any portion of the Aavisa lands, pending disposal of C.C. No.2363 of 2024 on the file of the Hon'ble Chief Metropolitan Magistrate, CB-CID Bench, Egmore, Chennai.

(ii) CMP No.23378 of 2025 — to direct the respondents to maintain status quo regarding the title, possession and master plan of the Aavisa Golf Township as envisaged in the Joint Venture Agreement dated 05.12.2007 and in the Aavisa presentation shared with the petitioner and other home buyers.

(iii) CMP No.23380 of 2025 — to grant a temporary injunction restraining the respondents, their partners, agents, or any other persons from undertaking any construction, development, sale, transfer or creation of third-party rights in respect of the Aavisa lands, more particularly described by survey numbers in the SEIAA Report dated 03.08.2009, pending disposal of C.C. No.2363 of 2024 before the Hon'ble Chief Metropolitan Magistrate, CB-CID Bench, Egmore, Chennai.



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3. The petitioner in these CMPs had earlier filed a complaint under Section 31 of the Real Estate (Regulation and Development) Act, 2016, stating that she had purchased a villa constructed, developed and sold by the first respondent. As per the terms of the agreement, the first respondent had promised amenities such as a Golf Course, Golf Club, Hotel, Residential, Commercial and Retail Space Development. However, contrary to the agreement, the first respondent failed to provide the basic amenities and only conveyed the villa. The construction of the villa was defective, and despite repeated requests, the first respondent did not fulfill its contractual obligations. Consequently, the petitioner claimed compensation of Rs.11,53,02,565/-. The TN RERA disposed of the complaint; the first respondent/promoter preferred an appeal, which was dismissed by the Appellate Tribunal, thereby confirming the order of the TN RERA. However, TN RERA also directed the first respondent/promoter to register the project with the Authority after obtaining the requisite planning permission from the competent local body.

4. Ms. Vandana, party-in-person and petitioner in the CMPs, submitted that a charge sheet dated 27.05.2024 and a supplementary charge sheet dated 09.09.2025 have been filed against the first respondent for various offences under the Indian Penal Code, and that the jurisdictional Magistrate has taken cognizance of the offences. She further submitted that if, during the pendency of



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these proceedings, the first respondent is permitted to create third-party rights over the lands earmarked for the amenities promised under the sale agreement, it would result in undue hardship and financial loss to her. She added that the Enforcement Directorate is also investigating the irregular and illegal activities of the first respondent. She further contended that wetlands have been clandestinely used for commercial and industrial purposes, and that permitting the first respondent to create third-party rights in respect of the lands earmarked for amenities would defeat the very purpose of her complaint, especially since the matter is pending before the jurisdictional Magistrate.

5. In response, learned counsel for the first respondent/promoter, submitted that the scope of CMSA No.58 of 2023 is narrowly confined to examining the correctness and sustainability of the direction issued by the TN RERA and affirmed by the Appellate Tribunal, whereby the appellant/first respondent was directed to register the subject project with the competent authority. He further submitted that the connected CMSA No.8 of 2025, filed by the petitioner, arises out of a distinct set of proceedings initiated pursuant to her complaint seeking compensation, and therefore, the adjudicatory scope in that appeal is restricted solely to the issue of compensation. He contended that the petitioner cannot, under the guise of interim reliefs filed in the present CMPs, enlarge the scope of either appeal or seek reliefs that travel beyond the contours



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of the original proceedings. According to him, the statutory direction issued by TN RERA pertains only to project registration, and the petitioner cannot seek ancillary or consequential directions that have no nexus to the principal lis.

6. The submissions of the learned counsel appearing on either side and the materials placed on record have been duly considered.

7. CMSA No.58 of 2023 emanates from the order passed by the TN RERA, as confirmed by the Appellate Tribunal, directing the appellant/first respondent herein to secure registration of the subject project with the competent authority in accordance with the provisions of the Real Estate (Regulation and Development) Act, 2016. An earlier Division Bench of this Court, by order dated 18.07.2024, has stayed the execution of the said direction, and the interim order continues to remain in force as on date. Consequently, the issue of project registration is already sub judice before this Court.

8. In this backdrop, the three CMPs filed by the petitioner are clearly not maintainable either in law or on facts. TN RERA has specifically recorded a finding that the petitioner is not entitled to claim compensation for the alleged non-provision of amenities and that the entitlement to utilise the golf facilities constitutes only a value-added service, dependent upon the payment of maintenance charges. The petitioner is not seeking the extension of amenities



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but is seeking compensation for the failure to provide such amenities.

9. The learned counsel for the first respondent has further brought to our notice that the charge sheet pending before the jurisdictional Magistrate has been stayed by this Court. In this view of the matter, the interim reliefs sought by the petitioner cannot be regarded as incidental, or consequential to the substantive reliefs sought either in CMSA No.58 of 2023 or in CMSA No.8 of 2025. On the contrary, the interim reliefs sought are wholly independent, unrelated to the issues arising in the appeals, and therefore fall outside the jurisdictional ambit of these proceedings.

10. In light of the foregoing discussion, we are of the considered view that the CMPs are devoid of merit and are not maintainable either in law or on facts. Accordingly, all the three CMPs stand dismissed.

11. List CMSA No.58 of 2023 along with the connected CMSAs for hearing in due course.

(R.S.K.,J)

(H.C., J)

19.11.2025

Index : Yes / No

Internet : Yes/No

Neutral Citation : Yes / No

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R. SURESH KUMAR, J.

and

HEMANT CHANDANGOUDAR, J.,

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in

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