



W.P.No.41257 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.41257 of 2025

M/s.Brownstone Foundations Private Limited,
Rep by its Director Sreedhar,
108, First Floor,
No.11/11A, Sir Thiyagaraya road,
Pondy Bazar,
T.Nagar,
Chennai – 17.

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Chennai.

2.The Thasildhar,
Guldy Taluk Office,
Chennai.

3.A.Chandru
S/o.Anandhan

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records of



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the respondent-1 in RC.No.G1/e-1444226/2023 dated 02.09.2025 and to quash the same.

For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.A.M.Ayyadurai,
Government Advocate
for R1 and R2
Mr.D.Giribabu for R3

ORDER

This Writ Petition has been filed seeking to call for the records of the first respondent in RC.No.G1/e-1444226/2023 dated 02.09.2025 and to quash the same.

2. The case of the petitioner is that the third respondent had booked a flat in the petitioner project by name “Jasper”. The builder's agreement was entered on 12.05.2018 and the third respondent was allotted flat no.51 and yet another additional agreement was also entered on 27.05.2019 and the third respondent alleged that he has paid a sum of Rs.31,00,000 to the petitioner out of the value of Rs.49,82,208/-. The agreed date of delivery for the completed flat was on or before June 2019 with a grace period of three months and the third respondent alleged that the petitioner failed to hand



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over the completed flat before June 2019 as agreed. Thereafter, the petitioner came to know that the third respondent has obtained an ex-parte order dated 19.05.2023 and after that the third respondent moved an execution petition no.50/2023 before the Tamilnadu Real Estate authority and the said authority issued recovery warrant to the first respondent under Section 40(1) of the RERA Act read with Rule 26 of the TNRERA Rules and in pursuance to the same, the first respondent issued proceedings in RC.No.G1/e-1444226/2023 dated 02.09.2025. Hence, the petitioner has filed the present writ petition with the above said prayers.

3.This Court vide order dated 06.11.2025, had directed the petitioner to deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) before the Tamilnadu Real Estate Authority, Chennai, within a period of two weeks. However, the said order has not been complied with by the petitioner.

4.The learned counsel for the petitioner reported that he has no instructions from the petitioner.



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5.From the perusal of the records, it is seen that the third respondent approached the RERA Authority as against the petitioner for non-completion of the project and failing to hand-over the flat to the third respondent in time. Thereafter, the RERA authority passed an order against the petitioner and subsequently, the third respondent moved an execution petition in EP.No.50 of 2023. In the execution petition, it was ordered for executing the recovery warrant through the District Collector. Pursuant to the recovery warrant issued by the RERA authority, the present impugned order is passed. Unless the order of the RERA authority and the subsequent recovery warrant issued by the RERA authority is challenged by the petitioner, in the manner known to law, the constitutional order of recovery cannot be challenged. Hence, the prayer sought by the petitioner cannot be granted.

6.Accordingly, the writ petition is dismissed. No costs.

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



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To

WEB COPY

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M.DHANDAPANI, J.

Tsg

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