



W.P. No.39082 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 15.10.2025

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.39082 of 2025

and

W.M.P. Nos.43838 to 43840 of 2025

1. M. Ganesh
2. K. Baskaran
3. L. Raja
4. M/S. DUAL STRUCTURALS &
INDUSTRIES PVT. LTD.,
represented by its Director,
Mr. Prashanth Ravidrakumar,

... Petitioners

vs.

1. THE TAMIL NADU REAL ESTATE
REGULATORY AUTHORITY,
Tamil Nadu, Andaman & Nicobar Islands,
No. 1A, 1st Floor, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

2. THE SUB-REGISTRAR, SELAIYUR,
Office of the Sub-Registrar,
Selaiyur, Chennai - 600 073.



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3. SRI SAI NAGAR OWNERS'

WELFARE ASSOCIATION (SSNOWA),

represented by its President,

Mr. Santhosh Kumar Gurumurthy,

Plot No. 134, Phase-1, Sri Sai Nagar,

Ottiyambakkam Main Road, Ottiyambakkam,

Chennai-600 130.

4. M/s. J.K. PROPERTIES,

represented by its Proprietor,

Mr. J. Jayakrishnan,

No. 19, 4th Floor, Vellaiyan Street,

Kotturpuram, Chennai - 600 085.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records on the file of the 1st Respondent relating to the Order dated 20.08.2025 in Complaint No. 42/2024, quash the same, in so far as the petitioners properties are concerned, and consequently direct the 2nd Respondent to reject the prohibition petition dated 12.09.2025 filed by the 3rd Respondent Association.

For petitioners : Mr.R. Shunmuga Sundaram
Senior Counsel

for Mr.M. Naveen Sabari

For respondents : Mr.A.M. Ayyadurai
Govt. Advocate for R1 & R2

ORDER



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This writ petition has been filed to call for the records on the file of the 1st

respondent relating to the Order dated 20.08.2025 in Complaint No. 42/2024, quash the same, in so far as the petitioners properties are concerned, and consequently direct the 2nd respondent to reject the Prohibition Petition dated 12.09.2025 filed by the 3rd respondent Association.

2. It is stated that the petitioners herein are the absolute landowners of properties comprised in the layout project known as “Sri Sai Nagar”, situated at Ottiyambakkam, Chennai. The 1st petitioner own Plot Nos.271 & 285 in Phase – 1, the 2nd petitioner owns Plot No.30 in Phase-2, the 3rd petitioner owns commercial land in Phase-2 and the 4th petitioner owns Plot No.4 in Sri Sai Nagar – Annexe, all duly registered with the Sub Registrar, Selaiyur.

3. It is further stated that the 3rd respondent, Sri Sai Nagar Owners' Welfare Association (SSNOWA), filed a complaint before the 1st respondent – TNRERA in C. No.42 of 2024, alleging non-provision of certain amenities viz., clubhouse, swimming pool etc., by the 4th respondent developer. The 1st respondent passed an order dated 20.08.2025, thereby directed the 4th



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respondent, who is the sole respondent therein, not to alienate the remaining plots till disposal of the said complaint. Thereafter, the 3rd respondent filed a Prohibition Petition dated 12.09.2025 before the 2nd respondent, prohibiting the registration of sale of lands belonging to the petitioners.

4. It is further stated that in the said complaint viz., C. No.42 of 2024 lodged before the 1st respondent, the petitioners were not arrayed as parties as well as the 4th respondent, who was not the owner of the lands against whom, the impugned order has been passed. The impugned order affecting the petitioners properties without making them as parties, is in violation of principles of natural justice and the rule of audi alteram partem. It is the case of the petitioners that the impugned order directly interferes with their ownership and right of alienation in respect of their plots, despite the fact that they were not parties to the proceedings.

5. Further, it is stated that the petitioners having come to know about the Prohibition Petition dated 12.09.2025 and the impugned order dated 20.08.2025 issued by the 1st respondent, have filed Objection Petitions on 06.10.2025



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before the 2nd respondent, to enable the petitioners to sell their respective unsold plots in the subject layout, but the same is kept pending as on date.

However, the 3rd respondent without considering the Objection Petitions dated 06.10.2025 is refusing to register the sale of the plots in view of the impugned order passed against their properties, though the impugned order does not bind the petitioners in selling their plots.

6. It is the grievance of the petitioners that the 2nd respondent's action in withholding registration of documents has to be set aside considering the rights of the petitioners as absolute owners, who were never heard by the 1st respondent prior to passing of the order dated 20.08.2025, which is impugned herein. The petitioners, due to financial liabilities, have ready proposals for sale of their respective plots and are suffering serious financial repercussions due to withholding of registration on account of Prohibition Petition filed by the 3rd respondent based on the impugned order. In such circumstances, challenging the impugned order dated 20.08.2025 issued by the 1st respondent, this writ petition has been filed. Further, petitioners prayed for issuance of consequential



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direction to the 2nd respondent to reject the Prohibition Petition dated

12.09.2025 filed by the 3rd respondent.

7. Learned counsel for the petitioners firstly submitted that the petitioners were not impleaded as parties to the proceedings before the RERA authorities, whereas the 1st respondent has passed the impugned order restraining alienation of petitioners' plots. He vehemently argued that neither any notice served nor an opportunity of hearing was afforded to the petitioners, before passing the impugned order dated 20.08.2025 by the 1st respondent. Therefore, the impugned order is void ab initio and it violates the cardinal rule of audi alteram partem.

8. Learned counsel further contended that as per Section 36 of the Real Estate (Regulation and Development) Act, 2016, the Authority can issue interim orders only against parties before it and in the case on hand, the petitioners were not arrayed as parties to the said proceedings. The restraint order on alienation of remaining unsold plots, is a blanket order and without any justification, the said order was issued. He further submitted that consequent to



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passing of the impugned order, the Prohibition Petition dated 12.09.2025 filed

by the 3rd respondent, and the same has to be rejected and therefore, due to passing of the impugned order dated 20.08.2025 issued by the 1st respondent, the petitioners were unable to sell their respective plots.

9. He further argued without authority, the 2nd respondent withhold the registration of valid documents of petitioners, which is merely on the interim regulatory direction issued against a non-party. On the aforesaid score, he concluded that the petitioners being the absolute owners, who were never heard before issuing the impugned order and therefore, the action of the 2nd respondent in withholding the registration of petitioners' documents on account of Prohibition Petition filed by the 3rd respondent is unsustainable and the same is liable to be set aside. He further sought quashment of the order dated 20.08.2025 issued by the 1st respondent. In view of the above submissions, he prays before this Court for allowing this writ petition.

10. Learned Government Advocate appearing for the respondents submitted that the allegations raised in the writ petition regarding common



areas, amenities, and alienation of plots involve seriously disputed questions of

fact, which necessarily require a detailed inquiry and the said examination falls within the exclusive jurisdiction of the 1st respondent -TNRERA. He fairly admitted that the petitioners were never impleaded as parties in Complaint No.42 of 2024 before the 1st respondent. He further pointed out that the order dated 20.08.2025 passed by the 1st respondent is only an interim order granted to safeguard the interest of the 3rd respondent / complainant Association, and it was against the 4th respondent/ Developer. In such circumstances, the petitioners, instead of invoking the writ jurisdiction of this Court, ought to have approached the 1st respondent by filing an appropriate application seeking impleadment or clarification.

11. He vehemently argued that bypassing the statutory mechanism and directly approaching this Court amounts to indirect method to secure any relief in a proceeding in which the petitioners are not parties. Therefore, the relief sought for in this writ petition is not maintainable and ought not to be entertained by this Court. Finally, he submitted that the writ petition is wholly



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misconceived and liable to be dismissed at the threshold.

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12. Heard the learned counsel for petitioners and learned Government Advocate appearing for the respondents 1 and 2. This Court perused the materials placed on record.

13. Admittedly, the petitioners were not impleaded as parties in Complaint No.42 of 2024 filed by the 3rd respondent / Association before the 1st respondent - TNRERA. If the petitioners are aggrieved by the interim order passed therein, the suitable remedy available to them is to approach the 1st respondent by filing impleading petition. As rightly pointed out by the learned Government Advocate the present writ petition is only an indirect method of seeking interim relief in the said complaint, in which petitioners are not impleaded as parties, otherwise treated as strangers.

14. From the aforesaid submissions, it reveals that issues relating to common area and alienation of remaining plots are disputed questions of fact, which cannot be gone into by this Court by invoking powers under Article 226 of the Constitution of India. Such issues require factual examination by the



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competent statutory authority, namely the 1st respondent.

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15. In view of the above, the petitioners can put forth their grievances before the 1st respondent by filing impleading petition. On filing such impleading petition, the 1st respondent shall consider the petitioners' application and pass orders strictly on merits and in accordance with law, uninfluenced by any observations made by this Court.

16. In the light of the above observations and directions, this writ petition stands dismissed. However, it is open to the petitioners to pursue their remedy before the 1st respondent in the manner known to law.

15.10.2025

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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To

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