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REV.APLW No. 277 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

REV.APLW No. 277 of 2025

AND

WMP No. 50052 of 2025

M/s. Sahara Prime City Ltd
Rep By its Director
Deshabandhu Plaza
No.47, Whites Road, Royapettah
Chennai 600 014

Review Applicant(s)

Vs

1. Ms.Rekha Prakash
W/o.Late Chandra Prakash Jain
28/1055A, 4th Cross Road
Indira Nagar, Kaduvanthra
Cochin 682 020, Kerala
- 2.The District Collector
7/1 State Bank Road
Gopalapuram, Coimbatore 641 081
3. Tamil Nadu Real Estate Regulation Authority
1A, 1st Floor
Gandhi Irwin Bridge Road, Egmore
Chennai 600 008
4. Sahara City Homes Marketing and
Sales Corporation Ltd.,
Rep by its Director
Sahara India Bhawan
1, Kaporthala Complex
Lucknow 226 024



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REV.APLW No. 277 of 2025



Respondent(s)

REV.APLW No. 277 of 2025

PRAYER

To review the order dated 16.07.2025 in WP.No.25768 of 2025.

WMP No. 50052 of 2025

PRAYER

To grant an interim stay of the order dated 16.07.2025 passed in WP.No.25768 of 2025 pending disposal of the above review application.

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For Review Mr.Satish Parasaran
Applicant(s): Senior Counsel for
 Mr.Rahul Balaji

For Respondent(s): Mr.K.Thilageswaran for R1
 Mr.N.Naveen Kumar
 Government Advocate for R2 and
 R3

ORDER

The review application has been filed by the fourth respondent in the writ petition to review the order passed by this Court in W.P.No.25768 of 2025 dated



16.07.2025.

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2. Heard the learned Senior Counsel appearing on behalf of the review applicant, the learned counsel appearing on behalf of the first respondent and the learned Government Advocate appearing on behalf of the second and third respondents.

3. The first respondent/writ petitioner filed the writ petition seeking for a mandamus to the District Collector, Coimbatore to initiate proceedings under the Revenue Recovery Act, based on the order passed by the Tamil Nadu Real Estate Regulatory Authority in E.P.No.32 of 2022 in C.C.P.No.32 of 2021 dated 27.07.2022.

4. When the writ petition came up for admission on 16.07.2025, this Court heard the learned counsel for the writ petitioner and the learned Special Government Pleader, who appeared for the official respondents and went through the averments made in the affidavit filed in support of the writ petition and also the documents that were relied upon by the petitioner. On finding that it was a straight forward case of trying to execute the order passed by the Tamil Nadu Real Estate Regulatory Authority, this Court issued a mandamus directing the District Collector to proceed further with the representation made by the petition and take necessary action under the Revenue Recovery Act. This Court also



fixed the time frame of three months from the date of receipt of copy of the order to complete the process.

5. The review application has been filed by the review applicant/fourth respondent mainly on the ground that the property that is now sought to be attached and sold is a property situated at Coimbatore, which is the subject matter before the Apex Court in the Sahara India Real Estate Corporation Limited case.

6. The learned Senior Counsel appearing on behalf of the review applicant submitted that initially the Apex Court, by an order dated 21.11.2013, restrained the Sahara company from dealing with any of the movable or immovable properties until further orders are passed. Subsequently, by an order dated 11.07.2016, the earlier order was modified and for better appreciation, the relevant portions are extracted hereunder:-

“At this stage Mr.Ratnakar Das, learned senior counsel for the applicant in I.As.No.190-191 of 2016 points out that one of the properties which the Saharas owns is situate at Coimbatore and has been developed in the name and style of Sahara City Homes. He submits that the applicants have purchased flats in the said developed area which spreads over a total extent of 12.28 acres out of a total area of 112.14 acres owned by Saharas. He submits that the permission granted by this Court should not jeopardize the interest of the applicants in the said developed colony. We accordingly make it clear that this



permission shall not authorise the sale of 12.28 acres of land developed in the name and style of Sahara City Homes at Coimbatore. We however direct that the Saharas shall keep SEBI informed about the transactions entered into by them and the terms on which the same have been made.”

7. The matter was once again listed for hearing before the Apex Court on 08.01.2025 and the Apex Court passed the following order:-

“Learned counsel appearing for the parties are permitted to explore possibility of settlement through Mediation. The parties will approach the coordinator of the Supreme Court Mediation Centre for appointment of a Mediator. However, the mediation settlement, if arrived at, shall remain a proposal till accepted by this Court.

M/s.Vaagai Commercial Ventures LLP can also participate in the mediation proceedings.

The settlement, if arrived, may be submitted in this Court in a sealed cover.

Re-list on 05.02.2025 at 03.00 p.m.”

8. The learned Senior Counsel appearing on behalf of the review applicant submitted that objections were raised by some of the parties and accordingly, they filed impleading petition including the writ petitioner. Thereafter, the matter was not listed and it is pending. While so, the present writ petition came to be filed during July, 2025 without revealing the fact that the subject property is the subject matter before the Apex Court, where the Apex Court is waiting for the



report of the Mediator and the impleading petition filed by those persons who are objecting to the proposal, is also yet to be listed for hearing by the Apex Court.

9. It is quite clear that the writ petitioner, while filing the writ petition during July 2025, was aware of the pendency of the proceedings before the Apex Court, since the writ petitioner was the fourth petitioner in the impleading petition filed before the Apex Court during February, 2025. For the reasons best known to the writ petitioner, the above facts were not stated in the affidavit filed in support of the writ petition. If the above facts had been stated in the affidavit, this Court would have issued notice to the third and fourth respondents in the writ petition and would have passed final orders on merits. In the absence of the same, this Court was made to believe that the writ petition only pertained to the execution of an order passed by the Tamil Nadu Real Estate Regulatory Authority under the Revenue Recovery Act.

10. The learned counsel appearing on behalf of the first respondent submitted that the writ petitioner has a good case on merits and that the writ petitioner did not intend to conceal the material facts before the Court.

11. In the considered view of this Court, when the Court decides a writ petition, the Court solely relies upon the averments made in the affidavit filed in support of the writ petition. Therefore, if material/necessary averments are not



specifically pleaded in the affidavit and an order is obtained, that by itself is a ground to recall the order passed in the writ petition. A litigant will not be allowed to pluck an order from the Court without revealing the entire facts. The Court exercises a discretionary jurisdiction under Article 226 of the Constitution of India and while exercising that jurisdiction, the writ Court will expect a litigant to come with clean hands by revealing all the material facts. In the case on hand, the writ petitioner did not reveal all the material facts which were within the knowledge of the writ petitioner. Therefore, this Court has no other alternative except to recall the order passed in the writ petition on 16.07.2025.

12. In the light of the above discussion, this review application is allowed and the order passed in the writ petition on 16.07.2025 is hereby recalled. Consequently, the connected writ miscellaneous petition is closed. No costs.

19-11-2025

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

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To

1. The District Collector
7/1 State Bank Road
Gopalapuram,
Coimbatore 641 081.
2. Tamil Nadu Real Estate Regulation Authority
1A, 1st Floor
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**N.ANAND
VENKATESH J.**

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