



WEB COPY



WP.No.45192 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.45192 of 2025

S.Nagappan

.. Petitioner

Versus

The District Collector
Office of the District Collector
Kancheepuram District
Kancheepuram – 631 501

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to expeditiously execute the recovery warrant dated 17.11.2021 issued by the learned Adjudicating Officer, TNRERA in respect to the order in EP.No.2 of 2021 in C.C.P.No.140 of 2019 by fixing a time frame.

For Petitioner : Mr.T.Raghavan
For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioner seeks for a direction to the respondent to expeditiously execute the recovery warrant dated 17.11.2021 issued by the learned Adjudicating



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Officer, TNRERA in respect to the order in EP.No.2 of 2021 in C.C.P.No.140 of 2019.

2. The petitioner has originally booked the flat No.1209, in 11th floor of 'F' Block, in the residential home project 'MARG BRINDAVAN' situated at Pondur Village, Sriperumbudur Taluk, Kancheepuram District developed by M/s.Marg Properties Limited (Promoter). Since the promoter did not hand over the possession of the flat as per the construction agreement by March 2013, the petitioner has withdrawn the booking and sought refund. In this regard, he has also filed a complaining bearing C.C.P.No.140 of 2019 before the Tamil Nadu Real Estate Regulatory Authority (TNRERA). The TNRERA, adjudicating authority has passed an order dated 13.09.2019 directing refund of amount, since the amount has not been paid, Execution Petition is also filed in EP.No.2 of 2021 in CCP.No.140 of 2019. Now, recovery warrant is passed vide order dated 29.10.2021 and issued to the respondent on 17.11.2021 under Section 40(1) of the RERA Act read with Rule 26 of TNRERA Rules, 2017 directing to recover the amount due under the above order in favour of the petitioner.



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3 . It is the grievance of the petitioner despite the warrant is passed as early as on 29.10.2021 and issued to the District Collector on 17.11.2021, the District Collector has not taken any action. Hence, seeks for a direction.

4. Considering the limited relief sought for in this writ petition and as the warrant is also issued by the concerned authority, it is for the District Collector to execute the same as mandated under Section 40(1) of the RERA Act read with Rule 26 of the TNRERA Rules, 2017. The respondent is directed to comply with the order passed by the RERA/adjudicating authority within a period of two months from the date of receipt of a copy of this order.

5. Accordingly, this petition stands disposed of. No costs.

01.12.2025

dhk

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No



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N. SATHISH KUMAR, J.

dhk

To,

The District Collector
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