



C.R.P.No.6273 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

**CRP No. 6273 of 2025 and
CMP No.31064 of 2025**

M/s J.K. Properties
Rep. by its Sole Proprietor,
J.Jayakrishnan, No.19, 4th Floor,
Vellaiyan Street, Kotturpuram,
Chennai - 600085.

Petitioner(s)

Vs

Sri Sai Nagar Owners Welfare
Association (SSNOWA),
Rep. by its President,
Santhosh Kumar Gurumurthy,
Plot No. 134, Phase I, Sri Sai Nagar,
Ottiyambakkam Main Road,
Ottiyambakkam, Chennai - 600130.

Respondent(s)

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to invoke the Extra Ordinary Original Jurisdiction of Civil Revision to set aside the extra jurisdictional order in Complaint No.42 of 2024 dated 20.08.2025 passed by Tamil Nadu Real Estate Regulatory Authority, Chennai.

For Petitioner(s): M/s.Colonel And Ganesan
Associates



C.R.P.No.6273 of 2025

WEB COPY

ORDER

This civil revision petition is filed challenging the order passed by the Tamil Nadu Real Estate Regulatory Authority, Chennai, dated 20.08.2025, granting interim order, directing the petitioner not to alienate the remaining plots in respect of the subject project.

W

2. The respondent herein filed a complaint against the petitioner under the provisions of the Real Estate (Regulation and Development) Act 2016. In the said complaint, the respondent sought for following reliefs.

“ i) To direct the respondent developer to construct the CLUB House with multipurpose hall, swimming pool, gym and indoor games etc.,

ii) To direct the respondent developer to give provision for water, underground electricity with Distribution Transformers (DT)and sewage disposal.

iii) To direct the respondent developer to provide with black top roads and street lights.

iv) To direct the respondent developer to remove the encroachments in the place designated for parks and in OSR land.

v) To direct the respondent developer to develop the landscaped garden in all parks and in OSR land.

vi) To direct the respondent developer to construct storm water drains.



C.R.P.No.6273 of 2025

WEB COPY

vii) To direct the respondent developer to stop selling the remaining all plots including land for owners' use in Sri Sai Nagar till they fulfill the promises held out by them in the brochures and in the development agreement.”

3. Pending consideration of the complaint preferred by the respondent, the Regulatory Authority passed the impugned interim order restraining the petitioner from alienating the plots in the subject project. Aggrieved by the same, the present civil revision petition has been filed.

4. The learned counsel for the petitioner vehemently contended that the Regulatory Authority, constituted under the above mentioned Act does not possess jurisdiction to grant any interim order of injunction like civil court and therefore, the impugned order is wholly, without jurisdiction and hence calling for interference by this court by exercise of its supervisory power.

5. When Section 36 of the Real Estate (Regulation and Development) Act enabling the Regulatory Authority to pass exparte interim order has been pointed out, the learned counsel for the petitioner submitted that the power to grant interim order under Section 36 of the Real Estate



C.R.P.No.6273 of 2025

(Regulation and Development) Act is confined to the relief sought for in the complaint and the Regulatory Authority cannot grant an interim order, which is not germane to the matter in controversy. In support of the said contention, the learned counsel for the petitioner relied on the judgment of the *Delhi High Court in Praveen Chhabra Vs. Real Estate Appellate Tribunal reported in 2022 SCC On Line Del 1568*.

6. A perusal of the scheme of the Real Estate (Regulation and Development) Act would indicate that as against any order passed by the Regulatory Authority, an appeal will lie under Section 43(5) of the Real Estate (Regulation and Development) Act. If the petitioner is aggrieved by the interim order passed by the Regulatory Authority, it has a remedy of filing statutory appeal before the Real Estate Appellate Tribunal, headed by a person, who is or has been a Judge of a High Court.

7. When the petitioner has got a remedy of statutory appeal before the said Tribunal, which is headed by a retired High Court Judge, we cannot say that the remedy is not an effective remedy. When the statute provided for a remedy of appeal before the Real Estate Appellate Tribunal, the petitioner is not entitled to rush this court seeking exercise of supervisory power available to this court.



C.R.P.No.6273 of 2025

WEB COPY

8. A close perusal of the judgment in **Praveen Chhabra**, cited by the learned counsel for the petitioner would indicate that in the said case, suo motu order passed by the Real Estate Appellate Tribunal was impugned. It was not a case, where the order passed by the Regulatory Authority was straight away impugned before the High Court. If the petitioner feels that the order passed by the Regulatory Authority in exercise of its power under Section 36 of the Real Estate (Regulation and Development) Act is erroneous, the same can be challenged by filing an appeal before the appellate Tribunal under Section 43(5) of the Tamil Nadu Real Estate Regulation and Development Act. In view of availability of effective remedy under the Special enactment, this court is not inclined to exercise its supervisory power under Article 227 of the Constitution of India.

9. Accordingly, this civil revision petition is dismissed with liberty to the petitioner to file an appeal before the Real Estate Appellate Tribunal under Section 43(5) of the Real Estate (Regulation and Development) Act. There shall be no order as to costs. Connected miscellaneous petition is closed.



C.R.P.No.6273 of 2025

WEB COPY

10. It is made clear that the petitioner is entitled to exclude the time taken by it in prosecuting this civil revision petition before this court (i.e. from 10.11.2025 to the date of receipt of copy of this order) while calculating limitation, for filing appeal before the appellate Tribunal.

17.12.2025

Internet: Yes
Index : Yes / No
Neutral Citation: Yes / No
MST

To

The Tamil Nadu Real Estate Regulatory Authority,
Egmore, Chennai 600 008.



WEB COPY



C.R.P.No.6273 of 2025

S.SOUNTHAR, J.

MST

C.R.P.No.6273 of 2025

17.12.2025