



WEB COPY



W.P. No.45058 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.45058 of 2025

1. R.Thiyagarajan

2.T.Jayashree

Petitioners

Vs

1. The District Collector
Chennai Collectorate,
4th Floor, M Singaravelar Maaigai,
62, Rajaji Salai, Chennai-600 001

2.Tamilnadu Real Estate Regulatory
Authority(TNRERA)
No.1A, 1st Floor,
Gandhi Irwin Bridge Rd,
Egmore, Chennai-600 008.

3.Ozone Project Pvt Ltd
63, Gopathi Narayanaswami
Chetty Road,
Lakshmi Colony, T Nagar,
Chennai-600 017.

Respondents



W.P. No.45058 of 2025

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the 1st respondent to consider petitioners representation dated 19.08.2025 and implement the order of the Hon'ble Tamilnadu Real Estate Regulatory Authority in E.P.No.76 of 2023 and EP No.77 of 2023 dated 14.05.2025

For petitioners : Mr.Kabeer Ahmed K.Z
For respondents : Ms.P. Aishwarya
Government Advocate for R1

ORDER

The petitioners have approached this Court seeking a direction to the 1st respondent to implement the orders passed by the 2nd respondent and to take appropriate steps for execution of the recovery warrant issued in favour of the petitioners.

2. It is the case of the petitioners that initially, they had booked flats with the 3rd respondent and paid a total sum of Rs.42,30,860/- towards the purchase. Though substantial payments were made by petitioners, the construction was never completed by the 3rd respondent within the scheduled time. Thereafter, petitioners cancelled their booking. It is the contention of the petitioners that out of the amount paid, a sum of Rs.18,59,614/- remains refundable by the 3rd respondent. As the refund amount was not made, petitioners lodged complaint



before the 2nd respondent. After due enquiry, the 2nd respondent passed orders in favour of the petitioners directing refund with interest and costs. Since the 3rd respondent failed to comply the said directions, the petitioners filed E.P. No.76 of 2023 and E.P. No.77 of 2023 seeking execution of the 2nd respondent order. Execution Petitions quantify the recoverable amount at Rs.31,77,643/-, which includes the principal, interest and the costs awarded.

3. Further, it is stated that on 19.08.2025, the petitioners submitted a detailed representation to the 1st respondent requesting implementation of the 2nd respondent -RERA orders by executing the recovery warrant in respect of the subject property. However, the 1st respondent has neither executed the recovery warrant nor passed any order on the petitioners' representation dated 19.08.2025, till date. Hence this writ petition.

4. Learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the 1st respondent to implement the order of the 2nd respondent issued on 14.05.2025 in E.P. Nos.76 of 2023 and 77 of 2023, within a time frame to be fixed by this Court.

5. Learned Government Advocate appearing for the 1st respondent submitted that the petitioners' representation dated 19.08.2025 will be



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considered in accordance with law and appropriate steps will be taken, subject to there being no legal impediment.

6. Considering the submissions made by the learned counsel on either side as well as the limited prayer sought in this writ petition, this Court directs the 1st respondent to consider the petitioners' representation dated 19.08.2025, and take a decision on the execution of the recovery warrant issued in E.P. Nos.76 of 2023 and E.P. No.77 of 2023, within a period of six weeks from the date of receipt of a copy of this order, subject to there being no legal impediment. It is made clear that this Court has not expressed any opinion on the merits of the case.

7. With the above directions, this writ petition is disposed of. No costs.

24.11.2025

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2



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M. DHANDAPANI, J.

vsi2

To

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