



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-12-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 46939 of 2025

Ecobay Developers And Builders Private Limited
Represented By Its Director Mr. Jayaraj H,
28/4 Municipal Colony, Chenglapattu 603 002

Petitioner(s)

Vs

1. The District Collector,
Thiruvallur Collector Office,
Jaya Nagar, Thiruvallur, Tamil Nadu

2.The Tahsildar
Thiruvallur Taluk Office, JN Road,
NH 716 Thiruvallur, Tamil Nadu

Respondent(s)

PRAYER

This writ petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the impugned Form 5 Attachment Notice dated 06.10.2025 bearing No RC. 4368 / A2/ 2022 passed by the 2nd respondent and quash the same and the proceedings arising thereof and consequently and to hold proper enquiry in the representation letter dated 21.02.2024 pending on the file of the 2nd respondent within the time frame as fixed by this Hon'ble court.



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For Petitioner: Mr. B. Leelesh Sundaram,
for
M/s. Nathan and Associates

For respondents Mr.V.Jeevagiridharan,
AGP, for R1 & R2

ORDER

Challenge has been made to the impugned Form-5 issued under Section 27 of the Revenue Recovery Act, whereby the immovable property was attached pursuant to the orders passed by the Real Estate Regulatory Authority, Chennai, passed in CCP Nos.64 of 2019, 060/ 2019, and 178 of 2019.

2. In all the three CCPs, the buyers approached the RERA as against the petitioner herein on the ground that the petitioner had failed to complete the construction and deliver the apartments on or before 31.12.2015.

3. It was the grievance of the petitioners before the RERA that despite receipt of the cost of the apartments, namely Rs.20 lakhs each, the apartments were not handed over in time. Consequently, they withdrew from the project. Pursuant to the complaint, the Tamil Nadu Real Estate Regulatory Authority had directed the respondent/writ petitioner herein to return the amount with interest, compensation and other charges. The said orders came to be passed as early as on 24.07.2019.



4. As the said orders were not implemented by the respondent/writ petitioner, writ petitions came to be filed before this Court in W.P.Nos.496, 498 & 500 of 2024. By a common order dated 07.11.2025, this Court directed the respondents , namely, the District Collector and Tahsildar, Thiravallur, to implement the orders of the Tamilnadu Real Estate Regulatory Authority, Chennai, within a period of six weeks from the date of receipt of a copy of this order.

5. Pursuant to the said directions of this Court, the impugned notice under Section 27 of the Tamil Nadu Revenue Recovery Act has been issued for the recovery of the total amount payable towards the three complainants before the RERA. The Total amount shown is Rs.94,29,979/- plus interest as on 06.10.2025. The said notice is now challenged in the present writ petition.

6. Earlier, on 05.12.2025, when the matter came up for admission, the learned counsel for the petitioner would submit that in CCP No.060 of 2019, the total amount payable including interest comes to around Rs.42 lakhs, and that the petitioner is ready to deposit 50% of the said amount within a period of one week, and he will pay the remaining amount amount within a period of two months thereafter.



7. Taking note of his submission, the matter was adjourned with a direction to the petitioner to deposit 50% of the demand amount.

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8. Today, the learned counsel for the petitioner would submit that though he has taken Demand Draft in the name of the respondent/petitioner in CCP.No.060 of 2019, the same could not be handed over to the respondent due to some delay. However, the same will be handed over to the respondent immediately. He has also submitted that the remaining amount in all the matters will be settled within a period two months.

9. In such view of the matter,

i) the petitioner shall deposit 50% of the total amount in all the three petitions, i.e., Rs.47,14,989/- by way of Demand Draft in respect of the respective decree amount in CC Nos.64 of 2019, 060 of 2019, and 178 of 2019, and hand over the same to the second respondent/Tahsildhar, within a period of one week.

ii) On handing over the said Demand Draft, the second respondent shall hand over the same to the concerned parties.

iii) For payment of the remaining amount, two months time is granted to the petitioner.

iv) In the event of failure to deposit the Demand Draft for 50% of the



amount within one week as undertaken, the two months time granted for payment of remaining amount shall not be extended.

v) The respondent is at liberty to proceed further in accordance with law in the event the amount is not deposited .

vi) If the amount is deposited, the respondent may postpone the proceedings for a period of two months to enable payment of the remaining 50%.

vii) If the entire amount is paid, the same shall be duly recorded. If the amount is not paid within the stipulated period of two months as undertaken before this Court, the respondent shall be at liberty to proceed further to bring the property for sale.

15-12-2025

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

mrp



To

1. The District Collector
Thiruvallur Collector Office, Jaya
Nagar, Thiruvallur, Tamil Nadu
2. The Tahsildar
Thiruvallur Taluk Office Jn Road Nh
716 Thiruvallur Tamil Nadu



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