



W.P.(MD)No.12776 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.12776 of 2025

T.Rajasekar

: Petitioner

Vs.

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

2. Nangooram Namma Veedu House
Owners Welfare Association,
Rep by its Secretary,
D.Ashok Kannan

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.1 to permit the petitioner to handover the alternative building to respondent No.2 association in lieu of petitioner's building namely Kondattam in Muthoor Village Palayankottai Taluk, Tirunelveli District within time frame stipulated by this Court.

For Petitioners : Mr. M.Mahaboob Fazil

M/s. Roy and Roy Associates

For Respondents : Mr.R.Sathesh for R1



W.P.(MD)No.12776 of 2025

WEB COPY

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to allow the petitioner to hand over an alternative building to the second respondent association in lieu of the petitioner's building, Kondattam, in Muthoor Village, Palayankottai Taluk, Tirunelveli District, within the time frame stipulated by this Court.

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the second respondent is dispensed with.

3. The petitioner alleges that the second respondent welfare association, without having made any contribution, is now claiming ownership over the building 'Kondattam', which was constructed at the petitioner's own expense. The petitioner states that the building was initially intended to serve as a senior citizens' recreational centre, but due



W.P.(MD)No.12776 of 2025

WEB COPY

to financial constraints, it could not be completed. As an interim measure, the petitioner allowed the welfare association members to use the building for recreational purposes. The grievance of the petitioner is that the association has now started claiming the building as a common amenity. The petitioner has since sold the building, along with other plots, to one Mr. Thanesh, he submitted a representation to the first respondent seeking permission to provide an alternative building for senior citizens, in fulfilment of his earlier commitment. As no action has been taken, the petitioner has filed the present writ petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



W.P.(MD)No.12776 of 2025

WEB COPY

5. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 22.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

29.04.2025

Index : Yes / No

Internet : Yes / No

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W.P.(MD)No.12776 of 2025

WEB COPY

To

The Chairperson,
Tamil Nadu Real Estate Regulatory
Authority, Egmore,
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WEB COPY



W.P.(MD)No.12776 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD) No.12776 of 2025

29.04.2025