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CMSA No. 2 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

&

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CMSA No. 2 of 2026

&

CMP NOs. 281 & 283 of 2026

1. Ramapriya Srinivasan
K.V.K Flats,
15 South Tank Square Street,
Triplicane
Chennai 600 005

2. K.S. Jagannathan
K.V.K Flats,
15 South Tank Square Street,
Triplicane
Chennai 600 005

..Appellants

Vs

1. T.K.Saravanan
No.69/31, Easwara Doss Street,
Triplicane,
Chennai 600 005

2. T.K.Purushothaman
No.69/31, Easwara Doss Street,
Triplicane,
Chennai 600 005

3. Dhandapani
No.69/31, Easwara Doss Street,
Triplicane,



Chennai 600 005

4. Fairdeal Constructions
Rep by its Proprietor Mr.N.Ravindran
S1, Plot No.5, Door No. 6
4th Main Road
AIBEA Nagar
Thiruvanmiyur
Chennai 41

..Respondents

Prayer: Civil Miscellaneous Second Appeal filed under section 58 of RERA Act, 2016, r/w. Section 100 of CPC against the Order dated 24.09.2025 Appeal No. 135 of 2025 on the file of Tamil Nadu Real Estate Appellate Tribunal, Chennai confirming the order dt. 24.01.2025 in Unnumbered RCP of 2024 in SR No. 239 of 2024 on the file of Tamil Nadu Real Estate Regulatory Authority, Chennai.

For Appellant(s): Mr.N.Murali Kumaran,
Senior Counsel for
M/s.MCGAN LAW FIRM

JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This Civil Miscellaneous Second Appeal has been filed against the order passed by the Tamil Nadu Real Estate Appellate Tribunal in Appeal No.135 of 2025 and M.A.No.375 of 2025, dated 24.09.2025.

2. The present appellants, were the appellants before the Tamil Nadu



Real Estate Appellate Tribunal. They filed the said appeal before the Tribunal under Section 44 of the Real Estate (Regulation and Development) Act, 2016, (in short 'the Act') to set aside the order dated 24.01.2025 in un-numbered RCP.No..... of 2024 in SR.No.239 of 2024 passed by the Tamil Nadu Real Estate Regulatory Authority (in short 'TNRERA') and to direct the respondent to pay the relief sought for in un-numbered RCPof 2024 and the relief being to return the entire amount paid to the builder/ land owners along with 18% interest per annum, as contemplated under section 18 of TNRERA Act 2016 and restrain the respondents from initiating any legal proceedings pursuant to the above given cheque details issued by the applicant.

3. It seems that aggrieved over the action or in-action on the part of the promoter or landowners who are the respondents, the petitioners filed a complaint in RCP.No..... of 2024 in SR.No.239 of 2024 seeking the aforesaid relief from TNRERA.

4. The said un-numbered complaint had been dismissed by the TNRERA for want of jurisdiction, as admittedly the project had not been registered under the TNRERA Act.

5. Aggrieved over the said inlimine dismissal made by the TNRERA,



the said appeal was filed under section 44 of the Act as stated supra before the Tamil Nadu Real Estate Appellate Tribunal (in short 'TNREAT') which, having considered the said appeal, also has come to the conclusion that the dismissal of the un-numbered complaint by the TNRERA Authority was justifiable, because admittedly, the project was not registered and infact, it cannot be registered at all or need not be registered at all in view of the factual matrix.

6. As against the said order passed by the Appellate Tribunal of the Tamil Nadu Real Estate Regulatory Authority, the present Civil Miscellaneous Second Appeal has been filed and in support of this Appeal, arguments advanced by Mr.N. Muralikumaran, learned Senior Counsel appearing for the appellant, by citing the reason that under Section 18 of the TNRERA Act, it is obligatory on the part of the promoter to compensate if there has been any violation of the provisions of the Act and the term 'promoters' since has been defined under the Act itself, whereby, any development is made in the Real Estate, by making the construction of the building by a single unit or multiple units, such a person can be treated only as a promoter, therefore in all practical purposes within the meaning of section 18 and also by taking the meaning of the word 'promoter' as defined in the Act, the respondents since have violated the provisions of the Act are liable to pay compensation as has been sought for by the



petitioners/appellants. Therefore, unmindful of the registration having been made under the TNRERA Act before the registering authority, the jurisdiction vested with the TNRERA Authority since is extended to them, they ought not to have dismissed the said complaint in limine at the admission stage in the un-numbered RCP .No..... of 2024 in SR.No.239 of 2024 and this position, since has not been considered in proper perspective by the Tribunal through the impugned order, it warrants interference at the hands of the Division Bench in the present Civil Miscellaneous Second Appeal, he contended.

7. We have gone through the order passed by the Tribunal, which is impugned herein, where, the Tribunal in paragraph 4, has recorded the following finding:

'4. The learned counsel for the appellants fairly admitted that there are only four units in the project. However, on a reading of Section 3(2)(a) of the Act, it is very clear that if the area of land proposed to be developed does not exceed 500 sq.m. or the number of apartments proposed to be developed does not exceed 8 inclusive of all phases, the said project does not require registration. Since the number of units is only four, the project shall not come within the purview of the RERA Act in view of the judgment of the Hon'ble High Court in C.M.S.A.Nos.23 & 24 of 2020 dated 20.09.2023.'

8. Infact, the issue as to whether the unregistered project still can be



placed before the TNRERA authority seeking any relief thereon or not, had already engaged in CMA.Nos.23 and 24 of 2020 by this Court in the

matter of ***M/s.Devinarayan Housing and Property Developments Private Limited, represented by its Managing Director and two others Vs. Manu Karan and two others.*** *Inter-alia* in the said order, the High Court

already has held in the following terms:

‘11.5 For all these reasons, this Court holds that Authorities, Adjudicating Officer and Regulatory RERA referred to in the Act are entitled to deal with the issue regarding the registered real estate project alone. As far as unregistered real estate project is concerned, they will not have any control over the same and in case, if any person is aggrieved of the unregistered real estate project, they have to approach either before the civil Court or consumer forum in accordance with law and not before RERA. Accordingly, the additional Substantial Question of Law (e) is also answered in favour of the appellants and as against the respondents.’

9. Therefore, it was a clear finding given by the High Court that the authorities, Adjudicating Officer and Regulatory RERA referred to in the Act are entitled to deal with the issue regarding the registered Real Estate Project alone and in so far as the unregistered Real Estate Project is concerned, they will not have any control over the same and in case, if any person is aggrieved over the unregistered Real Estate Project, they have to approach either before the Civil Court or the Consumer Forum in



accordance with law and not before the RERA.

10. The findings given by this Court in the said judgment having been appealed to the Honourable Supreme Court, in SLP.Civil No.25976 and 25977 of 2024 which was considered and dismissed by the order of the Honourable Supreme Court, dated 04.11.2024 to the following effect:

- ‘ 1. Delay condoned.
2. We are not inclined to interfere with the impugned judgment(s) and order(s) of the High Court; hence, the special leave petitions are dismissed.
3. Pending application(s), if any, shall stand disposed of.’*

11. It is in this context to be noted that section 3(2) of the TNRERA Act, reads thus:

Section 3: Prior registration of real estate project with Real Estate Regulatory Authority.-

(1) No promoter shall advertise, market, book, sell or offer for sale, or invite persons to purchase in any manner any plot, apartment or building, as the case may be, in any real estate project or part of it, in any planning area, without registering the real estate project with the Real estate Regulatory Authority established under this Act.

Provided that projects that are ongoing on the date of commencement of this Act and for which the completion certificate has not been issued, the promoter shall make an application to the Authority for registration of the said project within a period of three months from the date of commencement of this Act:



Provided further that if the Authority thinks necessary, in the interest of allottees, for projects which are developed beyond the planning area but with the requisite permission of the local authority, it may, by order, direct the promoter of such project to register with the Authority, and the provisions of this Act or the rules and regulations made thereunder, shall apply to such projects from that stage of registration.

(2) Notwithstanding anything contained in sub-section (1), no registration of the real estate project shall be required.-

(a) where the area of land proposed to be developed does not exceed five hundred square meters or the number of apartments proposed to be developed does not exceed eight inclusive of all phases:

Provided that, if the appropriate Government considers it necessary, it may, reduce the threshold below five hundred square meters or eight apartments, as the case may be, inclusive of all phases, for exemption from registration under this Act;

(b) ‘

12. The section 3(2) of the Act makes it very clear that notwithstanding anything contained in sub-section (1), no registration of the Real Estate Project shall be required, where, the area of the land proposed to be developed does not exceed 500 sq. meter or the number of the apartments proposed to be developed does not exceed eight inclusive of all phases.

13. Only in this context, the factual matrix of this case since have to be looked into, as the same has been extracted in paragraph 4 of the



impugned order, where it is an admitted fact on the part of the very appellant that the area of the land proposed to be developed does not exceed 500 sq. meter and the number of apartments proposed to be developed is only 4 i.e., not exceeding 8, hence under section 3(2)(a) of the Act, this project is not required to be registered under the RERA Act.

14. If the project is not a registrable one under the RERA Act, the jurisdiction of the RERA authority as well as the tribunal is ousted or, they are otherwise, not entitled to entertain any complaint filed before the RERA authority, in view of the law having been declared in the said judgment in ***M/s.Devinarayan Housing and Property Developments Private Limited, represented by its Managing Director and two others Vs. Manu Karan and two others.***, cited supra, as has been confirmed by the Honourable Supreme Court in the said Special Leave Petition.

15. These are all the factual matrix as well as legal position, which in fact, has been considered by the Tribunal in the impugned order, thereby, the decision taken by the TNRERA to not entertain the complaint, filed by the petitioner seeking certain relief as stated supra and thereby, the appeal filed by the appellant since has been dismissed through the impugned order, We do not find any reason to interfere with the same as the Tribunal has rightly held that the order passed by the TNRERA authority is an order to



be sustained in view of the legal position as well as the factual matrix of the case as the TNRERA does not have the jurisdiction to entertain the appeal filed by the appellant in view of the non registered or unregistered Real Estate Project, with which, such a relief has been sought by the appellant.

16. In view of the aforesaid discussion, We do not find any reason to interfere with the impugned order, as a result of which, the Appeal fails. Hence, it is liable to be dismissed. Accordingly, it is hereby dismissed. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[R.S.K.,J.]

[S.S.A.,J.]

02-02-2026

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

msr

To

1. The Tamil Nadu Real Estate Appellate Tribunal,
Chennai.
2. The Tamil Nadu Real Estate Regulatory Authority,
Chennai.



WEB COPY

CMSA No. 2 of 202



**R.SURESH KUMAR J.
&
SHAMIM AHMED J.**

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**CMSA No. 2 of 2026 &
CMP NO. 281 OF 2026,
CMP NO. 283 OF 2026**

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