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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-10-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 41929 of 2026

CNR:{HCMA012388532026}

Case QR

SSM Nagar Flat Owners Association
(Regn. No.168/207)
Rep. by its Secretary, Mr.Santhosh Kumar S
Flat No.406 C1, Block, SSM Nagar, Alapakkam,
New Perungalathur, Chennai 600063.

..petitioner(s)

Vs

1. The District Collector
   Chengalpattu District, Collectorate
   GST Road, Chengalpattu 603001.

2. Tamil Nadu Real Estate Regulatory Authority
   Rep. by its Chairperson
   "RERA Tower", No.133 G-Block, 1st Avenue
   Anna Nagar (East), Chennai 600102.

3. M/s.SSM Builders and Promoters
   SSM Nagar, Moppedu (Puthur) Road
   Chengalpattu District 600063.
   Represented herein by its partners.

..respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, seeking writ of mandamus directing the 1st respondent to forthwith execute the Recovery order / Warrant bearing Letter No. TNRERA / A4 / 1911 / 2024 dated 23.05.2024 issued by the 2nd respondent under Section 40(1) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 26 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 in E.P.No.002/2023 in C.No.101/2021 and E.P.No.004/2023 in C.No.66/2021 and

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to recover the sums directed therein from the Builder M/s.SSM Builders & Promoters and its Partners as arrears of land revenue under the Tamil Nadu Revenue Recovery Act, 1864 within a time frame to be fixed by this Court and to remit the amount so recovered to the 2nd respondent in terms of the said order.

For petitioner(s): M/s. Mahima Makhija

For respondent(s): Mr. J.V.Sakthi Baalakrishnan
Government Advocate
R1

Order

This writ petition is filed for the following relief:

"To direct the 1st respondent to forthwith execute the Recovery order / Warrant bearing Letter No. TNRERA / A4 / 1911 / 2024 dated 23.05.2024 issued by the 2nd respondent under Section 40(1) of the Real Estate (Regulation and Development) Act, 2016 read with Rule 26 of the Tamil Nadu Real Estate (Regulation and Development) Rules, 2017 in E.P.No.002/2023 in C.No.101/2021 and E.P.No.004/2023 in C.No.66/2021 and to recover the sums directed therein from the Builder M/s.SSM Builders & Promoters and its Partners as arrears of land revenue under the Tamil Nadu Revenue Recovery Act, 1864 within a time frame to be fixed by this Court and to remit the amount so recovered to the 2nd respondent in terms of the said order."

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2. The petitioner is a duly registered Flat Owners' Association of a residential-cum-commercial project comprising about 2,952 flats and 135 commercial units developed by the 3rd respondent / builder at Nedunkundram Village, Perungalathur, Chennai. The petitioner submits that the builder failed to complete the project as per the sanctioned plan. Therefore, aggrieved, several allottees, including the petitioner, filed complaints before the 2nd respondent.

3. By order dated 06.10.2021, the 2nd respondent held that the project was not completed and directed the builder to register the project, complete the pending works and hand over maintenance of common areas to the petitioner u/s 17 of the RERA Act, and furnish the Completion Certificate. The builder's appeal against the said order was dismissed on 02.02.2022. As the builder failed to comply, the petitioner initiated execution petitions and by a common order dated 13.09.2023, the 2nd respondent imposed penalties on the builder and directed recovery of the same from the builder by the 1st respondent.

4. Pursuant to the above, the 2nd respondent issued a recovery order dated 23.05.2024 u/s 40(1) of the RERA Act r/w Rule 26 of the TNRERA Rules, forwarding the recovery warrant to the 1st respondent for execution. Though more than two years have passed, and despite the petitioner's formal letters and

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in-person visits, the 1st respondent has completely ignored and failed to carry out the recovery order. Therefore, the petitioner is before this Court.

5. Heard the learned counsels on the either side and perused the records.

6. A perusal of the records would indicate that the 2nd respondent has forwarded the recovery warrant for execution under cover of their communication in letter No.TNRERA/ A4/1911/2024 dated 23.05.2024. In the said recovery order, the 2nd respondent has stated as follows:

> *"Therefore, under Section 63 of the Act, this Authority impose a penalty of Rs. 1000/- per day which may cumulative extend upto Rs. 1,00,000/- till the Respondent promoter furnish the copy of completion certificate issued by CMDA to the Execution Petitioner, on the Respondent vide Orders dated 13.09.2023 in E.P.No.002/2023 in C.No.101/2021 and E.P.No.004/2023 in C.No.66/2021 and directed that the amount has to be recovered from the respondent by the District Collector, Chengalpattu as land revenue under the Tamil Nadu Revenue Recover Act, 1864 and on recovery of the amount from the respondent, the District Collector, Chennai has to remit the same to this Authority by Demand Draft in favour of TNRERA, payable at Chennai."*

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7. Despite receipt of the said order, as early as in the year 2024, the 1st respondent has not taken any steps to initiate revenue recovery proceedings which has constrained the petitioner to approach this Court.

8. In the light of the above order of the 2nd respondent, a mandamus is issued to the 1st respondent to forthwith execute the recovery orders / warrant issued by the 2nd respondent and recover the sums directed in the aforesaid order from the 3rd respondent as arrears of land revenue under the Tamil Nadu Revenue Recovery Act, 1864, within a period of 3 weeks from the date of receipt of a copy of this order.

9. With the above observation and direction, this writ petition is allowed. No costs.

26-10-2026

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

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