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Order QR

W.P.No.32211 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.32211 of 2026
and W.M.P.Nos.35399 and 35401 of 2026

N.Balakrishnan

.. Petitioner

Versus

1. Tamil Nadu Real Estate Regulatory Authority,
Represented by its Authorised Officer,
RERA Tower, No.133G, 1st Avenue,
Anna Nagar East, Chennai – 600 102.

2. S.Anandhan

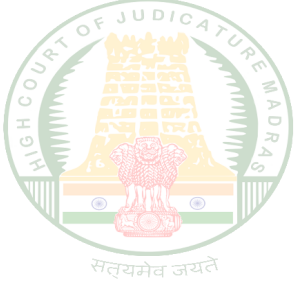
.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for records relating to the order passed by the Tamil Nadu Real Estate Regulatory Authority in Registration No.TNRERA/35/BLG/0126/2026, dated 10.04.2026 and quash the same.

For Petitioner : Mr.G.Rajagopalan, Senior Counsel,
for M/s.G.R.Associates

For Respondents : Ms.Amirtapoonkodi Dinakaran, for R1

: Mr.T.V.Ramanujam, Senior Counsel,
for Ms.R.Ramya, for R2



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This Writ Petition is filed for a Writ of Certiorari calling for the records relating to the proceedings, dated 10.04.2026 and to quash the same.

2. The case of the petitioner is that he is the owner of the property in S.No.314/17B in Thiruneermalai village, Tambaram taluk. The property had been purchased by the father of the petitioner and thereafter, the petitioner inherited the property. The petitioner has secured electricity, gas and telephone connections in the above address. While so, the second respondent herein had filed O.S.No.1117 of 2023 on the file of the learned District Munsif, Pallavaram seeking for a permanent injunction against this petitioner from interfering with the property. An order of interim injunction was also granted in I.A.No.4 of 2023. However, the petitioner has already filed counter and is ready for enquiry and the matter is kept pending for more than three years. Taking advantage of the said *ex parte* interim injunction order, the second respondent herein had applied for registration of a project of developing the said property. By a detailed letter, dated 09.09.2025, the petitioner made an objection to the Chairperson, Tamil Nadu Real Estate Regulatory Authority (hereinafter

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referred to as 'TNRERA'), objecting to the grant of registration to the said project. Earlier, when the petitioner applied under the Right to Information Act, he was informed that no such registration had been granted. However, subsequently, the petitioner came to know that by the proceedings, dated 10.04.2026, registration has been granted in favour of the second respondent.

3. To the surprise of the petitioner, the second respondent also undertook construction of plots and advertised them for sale. Therefore, the petitioner had also earlier filed W.P.No.20891 of 2026 and an interim order was also granted in favour of the petitioner on 11.05.2026. The petitioner again sent a representation to the first respondent. The first respondent, by a communication, dated 09.07.2026 requested the petitioner to file a complaint in Form No.M. The said action is arbitrary and illegal and the original registration that was granted, is liable to be cancelled.

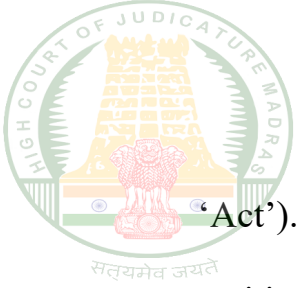
4. When the second respondent made an application under the Right to Information Act about the objection of the petitioner, it is admitted by the first respondent authority that they have misplaced the objection. Further, they have also given a reply stating that the second

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respondent herein failed to bring to the notice about the pendency of the suit.

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5. The Writ Petition is resisted by the second respondent by filing a counter-affidavit. According to the counter-affidavit, the Writ Petition is vexatious. The second respondent is only the owner of the property and particulars of the title to the second respondent is mentioned in paragraph Nos.4 and 5 of the counter-affidavit. While so, when the petitioner raised a dispute with reference to grant of patta in favour of the second respondent, the same was rejected by the District Revenue Officer and it was observed that the petitioner has to approach the Civil Court, if he disputes the title. Similarly, when the CMDA authorities were considering the permission, the petitioner again made an objection and the same was again considered and the petitioner was directed to approach the Civil Court. Even before the Commissioner of Land Administration, the petitioner submitted a petition which was also rejected and it was observed to approach the Civil Court. The second respondent, being the owner of the property, wants to develop the property and after obtaining due permission, has registered the project with the TNRERA under the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as



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‘Act’). The authority cannot go into the question that is raised by the petitioner.

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6. *Mr.G.Rajagopalan*, learned Senior Counsel for the petitioner would submit that even though the Tamil Nadu Real Estate Regulatory Authority will not consider the issue like Civil Court, but, the minimum requirement is contained under Section 4 of the Act. The application of the person seeking registration should not contain any encumbrance and the person should disclose those particulars, if any. In this case, the second respondent neither disclosed about the pending suit nor he mentioned anything about the dispute between himself and this petitioner. When the second respondent himself thought it fit that there exists a dispute and approached the Civil Court and obtained an order of injunction as against the petitioner, then, certainly, that is a very relevant factor to be considered by the TNRERA.

7. Further, when the petitioner has made a detailed objection, *prima facie*, it is the statutory requirement of the TNRERA that the objection should have been considered and should not have been merely answered as misplaced or displaced. A statutory authority, like the



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TNRERA, is liable to take into consideration the objection, if any, submitted by any third party with reference to any registration and when, in the instant case, the impugned order is passed without considering the representation, then, the same will not stand scrutiny of law.

8. Additionally, the judgment of this Court relied upon by the second respondent in *Ramasubramanian Vs. The Joint Sub Registrar No.1, Office of the Joint Sub Registrar, Tenkasi district and Anr.*, in [W.P.(MD).No.13158 of 2024] though contains an observation in paragraph No.7, did not go into the issue by considering the requirements under the Act in detail. When, *prima facie*, encumbrances are suppressed and the order of registration is passed without considering the objection, then, the registration is liable to be cancelled and the matter can be remanded back to the authority for consideration of the objections.

9. Per *contra*, Mr.T.V.Ramanujam, learned Senior Counsel for the second respondent, by reiterating the submissions in the counter-affidavit, would submit that before every authority, the petitioner has made an attempt and every authority has relegated the petitioner to the Civil Court. The petitioner feels shy of approaching the Civil Court. As far as



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the suit filed by the second respondent is concerned, the injunction is in force as on date and therefore, the petitioner cannot validly make an averment in the affidavit filed in support of the Writ Petition that he is in possession and enjoyment of the property. The application filed by the petitioner to reject the plaint was also dismissed and the matter is pending trial. The petitioner has got absolutely no right, title or interest in respect of the property nor there is any encumbrance with reference to the property and therefore, nothing statutorily disclosable was suppressed from the TNRERA.

10. *Ms.Amirtapoonkodi Dinakaran*, learned Counsel for the first respondent/TNRERA would submit that though it is true that there was a transfer of office, it is not as if the TNRERA has not considered the materials. The TNRERA has applied its mind on all the available material and granted the registration in accordance with law.

11. I have considered the rival submissions made on either side perused the material records.

12. It is true that as per Section 4 (2) (1) of the Act, a declaration



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has to be made by the promoter with reference to the facts that he has got any legal title on the land and that the land is free from all encumbrances etc. With the said mandatory requirement in existence, if, *prima facie*, TNRERA is of view that the project proponent on the face of it does not qualify as somebody who is having title or that the nature of encumbrance is such that the registration cannot be granted, it may, in a given fact situation, reject the registration also. However, it must be seen that when there are disputed questions of title, it is not for the TNRERA to go into the same and decide the issue itself. It is for the persons to approach the competent Civil Court. In this case, when the Civil Court has found a *prima facie* case in favour of the second respondent and when the injunction is operating against the petitioner, this case does not present the situation where TNRERA is required to consider rejecting the registration. Mere grant of registration by the TNRERA will not prejudice the petitioner in any manner in canvassing its plea before the Civil Court or making even a counter-claim or filing even a suit as against the second respondent. Repeatedly, in all the earlier proceedings, the petitioner has been relegated to the Civil Court. Therefore, it will be open for the petitioner even with reference to proceeding of the project or construction to even file counter petition in the same pending suit or file separate civil proceedings and

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contest the issue and it may not be open for the TNRERA to revoke the registration already granted and reconsider the issue. It must be noted that the project is registered and the construction is in an advanced stage.

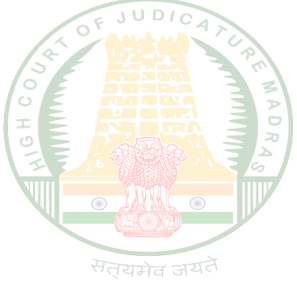
13. Therefore, finding no merits and keeping open the liberty of the petitioner to approach the Civil Court, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

09.09.2026

Neutral Citation : yes/no
grs

To

The Authorised Officer,
Tamil Nadu Real Estate Regulatory Authority,
RERA Tower, No.133G, 1st Avenue,
Anna Nagar East, Chennai – 600 102.



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