

WEB COPY

WP No. 25805 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-08-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 25805 of 2025

TSM Sadunnissa

Old No.2, New No.5, Rultland Gate, 4th Street,
Thousand Lights, Greams Road, Chennai-600 006.

..Petitioner(s)

Vs

1. Tamil Nadu Real Estate Regulatory Authority
1st Floor, No.1A, Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008.
2. State Of Tamil Nadu
Through The Secretary To The Government,
Housing And Urban Development Department,
Fort St. George, Chennai-600 009.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, to call for the records of the Registration Certificate bearing No. TN/29/ Building/ 0027/ 2025 dated 20.01.2025 and the Penalty Notice No.TNRERA/ PBI/ 0740/ 2024 dated 30.12.2024 issued by the respondent No.1, and quash the same and consequently, direct the respondent No.1 to forthwith de-register the Subject Property.

For Petitioner(s):

Mr.Karthik Sundaram

For Respondent(s):

Mr.Amirta Poonkodi Dinakaran for R1
Mrs.Inthu Karunakaran
Special Government Pleader for R2

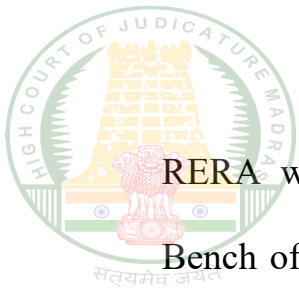


ORDER

The present Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the Registration Certificate bearing No. TN/29/ Building/ 0027/ 2025 dated 20.01.2025 and the Penalty Notice No.TNRERA/ PBI/ 0740/ 2024 dated 30.12.2024 issued by the first respondent and quash the same and consequently, direct the first respondent to forthwith de-register the Subject Property.

2. The short question that arises for consideration is as to whether the compulsion to register under Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as “RERA”) and also the provisions of tenancy on the premise that petitioner is liable for registration, can be sustained, inasmuch as petitioner has constructed the property on his own land and thereafter given it to lease to several parties. The lease periods range between five and twelve years, with a provision for renewal.

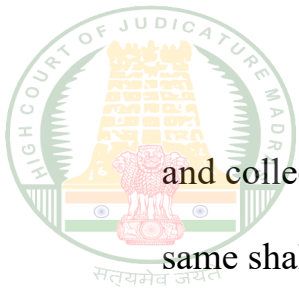
3. It is submitted by the learned counsel for petitioner that since petitioner is the owner as well as the builder, he would qualify neither as a “Promoter” nor would the construction qualify as a “real estate project”. He would submit that the lease agreements executed by petitioner do not fall within the purview of RERA. He would bring to the notice of this Court that Section 2(d) of the



RERA which defines the expression “allottee”, and submit that a Division Bench of this Court while considering the expression “leasehold” employed in Section 2(d) when defining “allottee” has held that it would *prima facie* cover those leases where the tenure is for thirty years. After having held so, the Bench proceeded to say that though the lease agreement is for a period less than thirty years, if however it is in substance a sale, it is open to the appropriate authority to insist/direct registration under RERA. He would place reliance on the decision of the Division Bench of this Court in the case of ***The Real Estate Regulatory Authority vs. S.M. Syed Abdul Khader Mutawalli and 2 others*** made in W.A.No.1723 of 2023 dated 09.06.2025.

4. Learned counsel appearing for respondents would submit that the applicability of the order of the Division Bench of this Court in ***The Real Estate Regulatory Authority vs. S.M. Syed Abdul Khader Mutawalli and 2 others*** made in W.A.No.1723 of 2023 dated 09.06.2025 with regard to registration under RERA would have to be decided on a case-to-case basis.

5. In view thereof, the matter is remanded back to the first respondent to pass orders a fresh, after affording petitioner an opportunity of hearing while keeping in view the law laid down by the Division Bench of this Court in W.A.No.1723 of 2023 dated 09.06.2025. On considering petitioner’s case in the light of the law laid down by the Division Bench of this Court, legality of levy



and collection of penalty shall be examined, if found to be without authority, the same shall be refunded to petitioner.

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6. The above exercise shall be completed within six (6) weeks from the date of uploading of web copy without waiting for receipt of certified copy of the order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

04-08-2026
(1/4)

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

ANU

To

1. Tamil Nadu Real Estate Regulatory Authority
1st Floor, No.1A, Gandhi Irwin Bridge Road, Egmore, Chennai-600 008.
2. State Of Tamil Nadu

Through The Secretary To The Government, Housing And Urban
Development Department, Fort St. George, Chennai-600 009.



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MOHAMMED SHAFFIQ, J.

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