

Thara Eradi vs the Kerala Real Estate Regulatory Authority

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Court : Kerala

Decided On : Jun-29-2020

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/12624/2020

Appellant : Thara Eradi

Respondent : The Kerala Real Estate Regulatory Authority

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
MONDAY, THE 29TH DAY OF JUNE 2020 / 8TH ASHADHA, 1942
WP(C).No.12624 OF 2020(C) PETITIONER: THARA ERADI 14-J,
ARTECH EMPIRE, PATTOOR, VANCHIYOOR P.O.,
THIRUVANANTHAPURAM-695 035. BY ADV. SRI.PIRAPPANCODE
V.S.SUDHIR RESPONDENTS:

1 THE KERALA REAL ESTATE REGULATORY AUTHORITY SWARAJ
BHAVAN, VTH FLOOR, NANTHANCODU, THIRUVANANTHAPURAM-
695 003, REPRESENTED BY ITS SECRETARY 2 M/S ARTECH
REALTORS PVT LTD, REGISTERED OFFICE, T.C NO 24/2014 (1)
ARTECH HOUSE, THYCAUD P.O., THIRUVANANTHAPURAM-695

014. REP BY ITS MANAGING DIRECTOR T.S ASOK 3 T.S ASOK, S/O LATE THANKAPPAN NAIR, MANAGING DIRECTOR, ARTECH REALTORS PVT LTD, RESIDING AT GOVINDAM VELLAYAMBALAM, KOWDIAR P.O. THIRUVANANTHAPURAM-695 0003. 4 M/S JAY VENTURERS)P) LTD, REG OFFICE AT T.C.24/2014(1) ARTECH HOUSE, THYCAUD P.O., THIRUVANANTHAPURAM-695 014, REPRESENTED BY ITS DIRECTOR, APARNA NAIR. 5 APARNA NAIR, DIRECTOR, M/S JAY VENTRUEERS)P) LTD, T.C 24/2014(1) ARTECH HOUSE, GOVINDAM, VELLAYAMBALAM, KOWDIAR P.O.THIRUVANANTHAPURAM-695 003. P.NARAYANAN, SPL GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.06.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition is filed seeking the following prayers: (i) Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to consider and pass orders on Ext.P4 complaint expeditiously and within a time limit to be fixed by this Hon'ble Court.

(ii) Declare that the 1st respondent is bound to

consider and pass orders on Ext.P4 complaint, filed under Section 31 of the Real Estate (Regulation & Development) Act 2016, expeditiously, after affording an opportunity of hearing to the petitioner and further on merits adverting to all the contentions of the petitioner and the reliefs sought therein.

2. Heard the learned counsel for the petitioner and

Sri.P.Narayanan, the learned Government Pleader appearing for the 1st respondent. In view of the directions being issued, I don't think it is necessary to issue notice to the respondents 2 to 5.

3. The learned counsel for the petitioner submits that Ext.P4

application has been submitted by the petitioner before the 1 st respondent and the same is pending consideration. It is submitted that in view of the statutory requirements, the application ought to have been considered and disposed of within the time provided in the Real Estate (Regulation & Development) Act 2016 and that failure to do so amounts to non application of the statutory responsibilities of the 1st respondent.

4. The learned Government Pleader appearing for the 1 st

respondent submits that Ext.P4 application was received by the authority on 18.03.2020 and that all normal work of the 1 st respondent stands adjourned till 30.06.2020. It is submitted that it is only on account of the prevalent pandemic situation that the application was not considered and disposed of within the time provided in the statute. It is submitted that if the petitioner has any urgency, it was open to the petitioner to move an application online for an urgent hearing of the matter and that the same would have been considered with notice to the opposite parties as well.

5. In the above view of the matter, there will be a direction that

in case the petitioner moves an urgent application by e-mail, the same shall be considered by the 1st respondent with notice to the contestant respondents as well. This writ petition is ordered accordingly. Sd/- ANU SIVARAMAN JUDGE np
APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE AGREEMENT FOR SALE

DATED 3.9.2013 ENTERED INTO BETWEEN THE PETITIONER, ALONG WITH HER HUSBAND AND THE RESPONDENTS 2 AND 3 EXHIBIT P2 TRUE COPY OF THE LETTER DATED 5.3.2019 OF THE PUBLIC INFORMATION OFFICER (ENGINEERING WING), THIRUVANANTHAPURAM CORPORATION TO SRI L.RAJENDRAN EXHIBIT P3 TRUE COPY OF THE JUDGMENT DATED 6.3.2020 OF THIS HON'BLE COURT IN WPC NO EXHIBIT P4 TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER UNDER SECTION 31(1) OF THE REAL ESTATE (REGULATION & DEVELOPMENT) ACT, 2016 BEFORE THE 1ST RESPONDENT

EXHIBIT P4 (A) TRUE COPY OF THE ACKNOWLEDGMENT,
ACKNOWLEDGING THE RECEIPT OF EXT P4 COMPLAINT BY THE 1ST
RESPONDENT ON 18.3.2020 RESPONDENT'S/S EXHIBITS: NIL

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