

**BEFORE THE  
TAMIL NADU REAL ESTATE REGULATORY AUTHORITY,  
CHENNAI**  
**Quorum : Hon'ble Mr. G. Saravanan, M.A.,B.L., Adjudicating Officer,**  
**Execution Petition No.09 of 2022 in CCP NO.133 of 2020**

J. Kalaivani ... Petitioner/Order holder

**Vs.**

M/s. VGN Developers Pvt. Ltd,  
Rep by its Managing Director ... Respondent/Debtor

Petitioner : Rep. by Mr.P.Anbarasan, Advocate

Respondent : Rep. by Mr. K.Harishankar, Advocate

Heard on : 13.05.2022

Delivered on : 31.05.2022

**ORDER FOR RECOVERY UNDER SECTION 40(1) OF THE RERA ACT READ  
WITH RULE 26 OF TNRERA RULES FOR NON-COMPLIANCE  
OF THE ORDER IN CCP NO.133 OF 2020 DATED 03.12.2021**

The above petitioner/complainant filed the petition for execution stating that the respondent/debtor has not complied with the order passed in the above CCP filed by her.

2. In the counter of the respondent, it is stated that the petitioner has sought the indulgence of this Hon'ble Forum to execute the order by attachment and sale of the property more fully described in column-10 of the petition and as far as the property that is sought to be attached is concerned, as on date, the respondent has sold out UDS in the lands to various flat purchasers of the project and the respondent is not the title holder of the property sought to be attached and third party interest existed over the property and therefore the said property cannot be attached.

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3. Heard both sides. The respondent raised the contention that the respondent has sold out the UDS in the lands to various flat purchasers of the project and the respondent is not the title holder of the property. The respondent has not given the details of the persons to whom the UDS lands were sold out and the details of the plots remaining unsold. The above contention of the respondent is vague and is made only to defeat the claim of the petitioner. Further, by the order of this Forum in the main case, a charge is created on the apartment booked and for which payments were made by the allottee. All the above objections of the respondent are not sustainable. Therefore the petitioner has right to proceed against the respondent for recovery of the amounts due under the order passed by this Forum.

4. Since the amounts due to the petitioner/order holder under the order is to be recovered as arrears as land revenue, it is just and necessary to issue warrant under section 40(1) of the RERA Act read with Rule 26 of the TNRERA Rules. The EP is disposed accordingly.

**In the result, it is ordered as follows:**

Issue recovery warrant under section 40(1) of the RERA Act read with Rule 26 of TNRERA Rules and forward the same to the District Collector, Chennai, to collect the same to satisfy the claims under the orders passed in favor of the above petitioner/order holder.

Sd/- 31.05.2022  
G. SARAVANAN  
ADJUDICATING OFFICER  
TNRERA, CHENNAI.

VERIFIED TO BE TRUE COPY

2022.05.31  
LAW OFFICER  
TNRERA REGULATORY AUTHORITY