

BEFORE TELANGANA STATE REAL ESTATE REGULATORY AUTHORITY
[Under the Real Estate (Regulation and Development) Act, 2016]

COMPLAINT NO.191 OF 2023

30th Day of October, 2023

Corum: **Dr. N. Satyanarayana, IAS (Retd.), Hon'ble Chairperson**
 Sri K. Srinivasa Rao, Hon'ble Member
 Sri Laxmi Narayana Jannu, Hon'ble Member

Sri Mirza Sameer Baig

...Complainant

Versus

1. Sri M. Rohit Reddy
2. Sri G. Venkatesh Reddy
3. Sri J. Rajasekhar Rao

...Respondents

The present matter filed by the Complainant herein came up for hearing on 03.10.2023 before this Authority in the presence of Sri Mirza Baig, the Complainant, and Sri Siddharth, Counsel for Respondent No.1, 2 & 3 along with Respondent No.1 in person and upon hearing the arguments of both the parties, this Authority passes the following **ORDER:**

2. The present Complaint has been filed under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the "Act") read with Rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the "Rules") requesting to take appropriate action against the Respondent Builder.

A. Brief facts of the case:

3. The Complainant submitted that the Respondents obtained illegal construction permission regarding land admeasuring 3034.68 sq yds in Sy No.584 of Uppal Khalsa Village but instead of raising construction in Sy No.584, they have raised in Sy No.581/1 which belongs to the Complainant. He submitted that as per Surveyor of Uppal Tehsil Report, it is apparent that Respondent No.1 is an illegal occupant of the subject land as described above and the Revenue officers have sent several notices and affixed notice on the building also stating Respondent No.1 is

an encroacher. Further, location sketch was made by Dy Inspector of Survey HQ which shows that Respondent No.1 has encroached upon the Complainant's land.

4. In this regard, he requested this Authority to stop the illegal construction on the entire extent of 3034.68 sq mtrs of M/s Habitat Infra Structures, represented by Respondents herein as well as cancel the construction permission granted by this Authority vide Registration No. P02200003201 as the same is obtained by suppressing material facts.

B. Notices issued to the Complainant & the Respondent:

5. Accordingly, vide Notice dated 04.04.2023, served upon the Respondents, this Authority directed the Respondent to submit a reply in terms of Rule 34 (1) & (2) of the Rules, 2017 along with such other information with regard to the Project. Thereafter, upon careful perusal of the record, this Authority issued another Notice dated 16.05.2023 directing the Complainant to approach appropriate authority for encroachment of others' land and submit an action taken report by them to this Authority for taking necessary action in the matter.

6. Consequently, vide Reply dated 01.06.2023, the Respondent No.1 submitted that the Complainant is falsely stating that construction is raised on Sy No. 581/1 instead of Sy No. 584. Further, that the Respondent is in peaceful possession of the subject land since 1950 of Sy No.584 which is his ancestral land. Revised inquiry was conducted again by Revenue/Land Officers and notice was issued stating "*the survey with the help of village map of land in Sy No.584 of Uppal Khalsa Village and reported that the subject land to an extent of Ac 0-30 gts fall in respect of Sy No.584 which is patta land in the name of Rohit Reddy*".

7. The Respondent No.1 submitted that the Complainant is making false allegations, the land belongs to Respondent No.1's forefathers and same has been in their occupation since 1950s without any interruption and in lieu thereof, he requested for the Complaint to be closed.

C. Hearing Conducted:

8. Therefore, a Summons dated 27.09.2023 was served to the parties to appear before the Hon'ble Authority for hearing in the matter on 03.10.2023. Accordingly,

the parties appeared on the said date and this Authority clarified that the reliefs claimed by the Complainant are not maintainable before this Authority.

D. Observations and Directions of the Authority:

9. The matter is disposed of, and the Complainant is directed to approach appropriate forum for the reliefs, as prayed for before this Authority.

10. If aggrieved by this Order, the parties may approach the TS Real Estate Appellate Tribunal (vide G.O.Ms.No.8, Dt.11-01-2018, the Telangana State Value Added Tax Appellate Tribunal has been designated as TS Real Estate Appellate Tribunal to manage the affairs under the Act till the regular Tribunal is established) within 60 days from the date of receipt of this Order.

**Sd/-
Sri K. Srinivasa Rao, Hon'ble Member
TS RERA**

**Sd/-
Sri Laxmi Narayana Jannu, Hon'ble Member
TS RERA**

**Sd/-
Dr. N. Satyanarayana, IAS (Retd.), Hon'ble Chairperson
TS RERA**