

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

COMPLAINT NO.284 OF 2023

07th Day of February, 2024

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

1. Sri Mohd. Moulana
2. Sri Mohd. Pasha
3. Sri Mohd. Abdul ...Complainants

Versus

M/s Gangasthan Medchal
Represented by its Managing Director ...Respondent

The present matter filed by the Complainant herein came up for hearing on 05.10.2023, 12.12.2023 and 31.01.2024 before this Authority in the presence of the Complainant in person and the Authorized representative of the Respondent and upon hearing the arguments of both the parties, this Authority passes the following **ORDER:**

2. The present Complaint has been filed by the Complainant under Section 31 of the Real Estate (Regulation & Development) Act, 2016 read with Rule (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 appropriate action against the Respondent Builder.

A. Brief facts on behalf of the Complainant:

3. The Complainant submitted that originally the lands in Sy.No. 7/1, 7/2,7/3 and 8/3 admeasuring Ac. 94- 02 gts. situated at Somaram village, Medchal Mandal, Ranga Reddy District belonged to Late Mohammed Abdul Rahman S/o. Mohammed Nooruddin S/o. Hyder Ali Siddiqui Saheb who is the inamdar and muntaqab Vide No. 2036, dt: 23/5 / 1357 Fasli and who is the Complainants' father. However, after resurvey they are renumbered as Sy. No. 15, 156, 157, 158, 159, 160, 161, 162, 163, 164, 166 and 168, admeasuring Ac.94-02 gts.

4. That further, the father of the Complainants died on 07.03.1994 and since then the Complainants are collecting *kast* from the cultivators being the sons of the original *Inamdar* and therefore are in possession of lands in Sy.No. 15,162 and 168 admeasuring Ac. 38-39 gts till date.

5. That subsequently, one Sri Syed Mohiuddin Afzal being a VAO of Somaram Village, having got the information of the death of the Complainants' father forged and fabricated a legal heir certificate claiming himself and Syed Mohiuddin Afzal and his brothers to be the sons of Complainants' father i.e., Abdul Rahman. Accordingly, the mentioned Syed Mohiuddin Afzal along with his brothers managed to mutate their names in the revenue records as legal heirs of the Complainants' father i.e., Abdul Rahman.

6. That the Complainants came to know about this mutation in the year 2010 and thereby immediately approached the authorities vide Application dated 24.04.2010. However, when no action has been initiated, the Complainants along with their cultivators filed W.P. No. 32101 of 2016 and the Hon'ble High Court for the State of Telangana vide its order dated 23.09.2016 passed orders in favour of

the Complainants directing the concerned authority to dispose of the claim made by the Complainants for insurance of the occupancy rights certificate.

7. It was further submitted that when no action has been initiated by the concerned authority, the Complainants were constrained to file Contempt Case No. 199 of 2017 against the concerned authority, and subsequent thereto, the concerned authority has passed the order dated 18.11.2017 in Case No. B / 275 / 2017 rejecting the claim of the Complainants. Thereafter, vide Order dated 20.10.2021, in WP. No. 23144 of 2021, the Hon'ble High Court granted liberty to the Complainants avail the other remedies under law.

8. The Complainants submitted that they are rightful owners over the lands in Sy.No. 15,162 and 168 admeasuring Ac. 38-39 gts. While so, the Respondent though is aware of the rightful owners, by relying on forged and fabricated fake documents started a layout in LPO No.11&12/2022 and even obtained RERA registration vide Regn. No. P02200004507 in the said land and is marketing sites with an ill intention to fraud people and grab money in the pretext of real estate project. The Respondent has misrepresented the authorities with false information and fake documents.

B. Relief Sought

9. The Complainants accordingly prayed as follows:

- a. *Respondents may be restrained from carrying on the layout activities and selling plots in the disputed site pursuant to LPO No.11 & 12/2022 RERA 02200004507*
- b. *Cancel and revoke the permissions given in respect of the layout made in order to ensure transparency in real estate and to protect the consumers, as*

the documents relied on for the permissions sought from the authorities by the respondent are forged, misrepresented, fabricated and hence the respondent has no legal right or title over the said lands

c. may impose penalties as per the act”

C. Observations and directions of the Authority

10. Notices were accordingly issued to both parties and upon their first appearance by the parties on 31.01.2024, this Authority observed that the present matter is a civil dispute amongst the parties wherein the Complainants seek to establish their title over the subject lands i.e., lands in Survey Nos. 15, 164, 165, 166 & 168, at Somaram, Medchal, Medchal-Malkajgiri, Telangana 501401. For the same, the Complainants, admittedly, have approached appropriate forum, including the Hon'ble High Court and after consideration, the Hon'ble High Court has dismissed the matter as withdrawn with liberty to file an appeal before the concerned authorities.

11. In such circumstances, as the appeal before concerned authorities, if so preferred by the Complainants, is pending adjudication, this Authority is of the opinion that it has no jurisdiction to delve into the intricacies of such litigation. Furthermore, it is observed that in the absence of any order by the appropriate forum confirming the right, title or and interest of the Complainants over the subject land, this Authority cannot pass any orders with respect to the reliefs prayed for by the Complainants. In lieu thereof, the present complaint stands disposed of.

12. 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

