

BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY

[Under the Real Estate (Regulation and Development) Act, 2016]

Date: 3rd February, 2026

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

Complaint No. 133/2025/TG RERA

1. Smt.Mangali @ Gongula Radha Laxmi W/o Late Shankaraiah
(R/o H.No.2-74, Aziz Nagar village,
Moinabad Mandal, Ranga Reddy District.)
2. M.Sabitha D/o Late Shankaraiah,
(R/o H.No.1-16, Kummera Village,
Chevella Mandal, Ranga Reddy District.)
3. M.Mahindar S/o Late Shankaraiah
(R/o H.No.2-74, Aziz Nagar village,
Moinabad Mandal, Ranga Reddy District.)
4. M.Praveen S/o Late Shankaraiah
(R/o H.No.2-74, Aziz Nagar village,
Moinabad Mandal, Ranga Reddy District.)

Versus

1. Mangali Devaiah S/o Late Pentaiah
2. Smt.Mangali Neelamma W/o Devaiah
3. Mangali Ramu Nayee S/o Devaiah
4. Mangali Lakshman S/o Devaiah
(1,2,3 & 4 are residing at H.No.5-11/24/8, Ameenpur Village and Mandal, Sanga Reddy District-502032 and also at H.No.4-60, Ameenpur Village and Mandal, Sanga Reddy District-502032)
5. M/s. Uttam Realtors, Rep by its Managing Partners
(Regional Registered Office At: 1-54/33, Madinaguda Dargah, Serilingampally Mandal, Ranga Reddy District-500049.)
6. Sri.Talluri Hanumanth Rao, S/o Late T. Swamineedu, Authorized Promotor of M/s. Uttam Realtors
(R/o Plot No.804, Block-A, Sree Sai Ram Towers, Manjeera Pipeline Road, Hafeezpet, Hyderabad-500049.)

7. Sri Kunaguntla Sambasiva Rao, S/o Sri. K. Koteswar Rao, Authorized Promotor of Uttam Realtors
(R/o SPR Homes II, PJR Road, StreetNo.1, Deepthisri Nagar, Hyderabad-500050.)

...**Respondents**

The present matter filed by the Complainant came up for hearing before this Authority, in the presence of the Complainants' Counsel S. Lokesh, V. Shivani and Atla Bhupathi Reddy and Counsel for the Respondents' Counsel K. Siri Swathi and M. Rasool Baig. After hearing the submissions of both parties, this Authority now proceeds to pass the following **ORDER**:

2. The present Complaints have been filed by the Complainants under Section 31 of the Real Estate (Regulation & Development) Act, 2016 read with Rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the "Rules") seeking appropriate relief(s) against the Respondents.

A. Brief Facts of the Case as per Form M submitted by the Complainant:

3. It was humbly submitted that the husband of the Complainant, namely Late Shankaraiah, and Mangali Devaiah (Respondent No. 1 herein) were own brothers and sons of Late Mangali Pentaiah. Amongst the said brothers, Devaiah was the elder one. It was stated that during the lifetime of Mangali Pentaiah, he acquired land to an extent of Ac.1-02 guntas in Survey No. 24/A, situated at Ameenpur Village and Mandal (Erstwhile Patancheru Mandal), Sanga Reddy District (Erstwhile Medak District), and who died long back.

4. It was submitted that after the demise of Pentaiah, his two sons being the successors, succeeded to the property. However, Respondent No. 1 herein (Mangali Devaiah), being the elder son of Pentaiah, had his name recorded in the revenue records as he was the *Kartha* of the family. It was stated that having equal rights over the said property, and to meet family necessities, both Late Shankaraiah and Devaiah jointly sold away an extent of Ac.0-21 guntas out of the said total extent of Ac.1-02 guntas in Survey No. 24 in favour of Smt. Mangali Neelamma (Respondent No. 2 herein), who is the wife of Mangali Devaiah, vide Registered Sale Deed No. 320/1992, dated 23-01-1992. However, the remaining extent of Ac.0-21 guntas continued to be in the name of Mangali Devaiah only as the *Kartha* of the family.

5. It was submitted that while the matter stood thus, the Complainant's husband, Shankaraiah, died on 28-02-2016. In view of his demise, the Complainants became the legal heirs and successors and became the joint owners and possessors of the said extent of Ac.0-21 guntas in Survey No. 24 of Ameenpur along with Respondent No. 1. However, during the year 2019, taking advantage of the existence of the name of Respondent No. 1 in the revenue

records, while he was trying to create third-party interest over the said property, the requests and demands made by the Complainant and his children for partition of the property were refused by Respondent No. 1. Consequently, the Complainants filed a suit, O.S. No. 195 of 2019, which is pending on the file of the Hon'ble Special Judge for trial of cases under SC&ST (POA) Act-Cum-III Additional District & Sessions Judge, Sanga Reddy District at Sanga Reddy, for adjudication.

6. It was submitted that meanwhile, it was noticed that Respondent No. 1 and his wife, Respondent No. 2 herein, raised a construction over an extent of Ac.0-03 guntas (i.e., Ac.0-01 guntas from the land of Neelamma and Ac.0-02 guntas of land in the joint possession of the Complainant's family along with Devaiah). Thereafter, Respondent No. 2 executed a Registered Development Agreement-cum-General Power of Attorney No. 43878/2022, dated 28-12-2022, in favour of M/s. Uttam Realtors (Respondent No. 5 herein), represented by its Managing Partners and Authorized Regional Promoters, 1) Talluri Hanumantha Rao (Respondent No. 6 herein) and 2) Kunaguntla Sambasiva Rao (Respondent No. 7 herein), in respect of Ac.0-20 guntas which is equivalent to 2420 Sq. yards or 2023.36 Sq. meters in Survey No. 24/A2.

7. It was contended that by misleading the Hyderabad Metropolitan Development Authority (HMDA) as if Respondent No. 1/Devaiah was the sole owner of the remaining extent, both Respondents in collusion with each other and by suppressing the existence of civil suit proceedings before the competent court of law, applied to HMDA for Building Permission for the extent of 3889.95 Sq. meters. HMDA provisionally approved the sanctioned plan vide File No. 009226/BP/HMDA/1887/SKP/2022 for the construction of G+5 floors. Thereby, they executed a Registered Mortgage Deed No. 43829/2022, dated 28-12-2022, in favour of HMDA for 10% area of the proposed sanctioned plan area, which came to 985 Sq. meters equivalent to 1178.08 Sq. yards or 10602.79 Sq. ft. on the fifth floor of the said proposed construction. However, as Respondent No. 2 had purchased Ac.0-21 guntas only, construction was made to that extent.

8. It was submitted that from the root of the title, it was clear that Respondent No. 1 was not the exclusive owner of the extent of Ac.0-21 guntas, but it was a Hindu Joint Family Property, wherein the Petitioner had an equivalent share of Ac.0-10 ½ guntas. However, by misleading the authorities on false statements, Respondent No. 1 and Respondent No. 2 jointly obtained the construction permission. The Complainant submitted a complaint with the HMDA

seeking cancellation of the Building Permit, and the same is pending consideration as it sought the production of necessary documents, which were subsequently submitted by the Complainant.

9. It was further submitted that in the recent past, on enquiry by the Complainant, it came to light that all the Respondents herein, by claiming themselves as 'Promoters' but in fact not, approached this Hon'ble Authority seeking registration of a project named "RRR Tower" by M/s. Uttam Realtors under the provisions of the Telangana State Real Estate Regulation and Development Act, 2016. Thereby, they submitted an undated and unregistered document styled as a "Development Agreement" and the contents as a "Memorandum of Understanding," as if the same was entered into between M/s. Uttam Realtors and Mangali Devaiah for development and also promoting the constructed work. They submitted false information before this Hon'ble Authority as if there were no cases pending in respect of the subject property.

10. It was further averred that not only did they submit false information, but they also referred all the transactions and documents, including the boundaries pertaining to the subject Survey No. 24/A2, by mentioning the said document as if it were in respect of Survey No. 34/A. As a matter of fact, Mangali Devaiah had no land at all in Survey No. 34/A, and no such documentary evidence was brought on record before this Hon'ble Authority. By suppressing the true, correct, and material facts, they obtained the permission from this Hon'ble Authority vide RERA ID No. P01100008111.

11. It was further submitted that basing on the false information on one hand and suppression of material facts on the other hand furnished to this Hon'ble Authority, the Respondents herein were trying to create third-party interest over the subject property and trying to raise construction in the joint possession of the Complainant's property. It also came to light that after filing the application with this Hon'ble Authority, Mr. Mangali Devaiah also executed a Registered Development Agreement-cum-General Power of Attorney No. 14172/2024, dated 27-05-2024, in favour of M/s. Uttam Realtors (Respondent No. 5 herein), represented by its Managing Partners and Authorized Regional Promoters, 1) Talluri Hanumantha Rao (Respondent No. 6 herein) and 2) Kunaguntla Sambasiva Rao (Respondent No. 7 herein), in respect of Ac.0-19 guntas which is equivalent to 2299 Sq. yards or 1922.257 Sq. meters in Survey No. 24/A1. As such, if the permission granted by this Hon'ble Authority remained in existence, it would lead to a multiplicity of litigations. Hence, the present

complaint was filed seeking appropriate action against the concerned for misrepresentation and suppression of facts apart from the revocation/cancellation of the permission granted.

B. Reliefs Sought

12. Accordingly, the Complainants sought the following relief:

- i. It is prayed that this Hon'ble Authority may be pleased to revoke the Approval vide RERA ID No. P01100008111 and order for legal action against the Respondents for furnishing the false information and suppression of material facts and pass orders and pass such other order or orders as are deemed fit in the circumstances of the case.*

C. Counter filed by Respondents No. 5, 6 & 7

13. The Counter Affidavit was filed by Respondent No. 6, Sri Talluri Hanumanth Rao, Managing Partner of M/s. Uttam Realtors (Respondent No. 5), acting also on behalf of Respondent No. 7. It was solemnly affirmed and stated on oath that the Deponent was well acquainted with the facts of the case.

14. At the outset, it was submitted that the complaint filed by the Complainant was neither maintainable in law nor on facts. The Respondents contended that the contents of the complaint were false, baseless, fabricated, concocted, and invented solely for the purpose of the present complaint. All allegations were denied except those specifically admitted, and the Complainant was put to strict proof of the same. Regarding the averments concerning the relationship and property details of the Complainant, as well as matters not relating to these Respondents, it was stated that no specific reply was needed.

15. In response to the specific allegations regarding the property transaction, it was admitted that Respondent No. 2 executed a Registered Development Agreement-cum-General Power of Attorney bearing Document No. 43878/2022, dated 28-12-2022, in favour of Respondent No. 5, represented by its Managing Partners (Respondents No. 6 & 7), in respect of land admeasuring Ac.0-20 guntas equivalent to 2420 Sq. Yds in Survey No. 24/A2.

16. However, it was vehemently denied that the Respondents misled the Hyderabad Metropolitan Development Authority (HMDA) by portraying Respondent No. 1/Devaiah as the sole owner of the remaining extent or that they colluded to suppress the existence of civil suit proceedings. It was further denied that they obtained provisional approval for the sanctioned plan vide File No. 009226/BP/HMDA/1887/SKP/2022 for the construction of G+5

floors by misleading the authority. The Respondents stated that they executed a Registered Mortgage Deed No. 43829/2022, dated 28-12-2022, in favour of HMDA for the 10% area of the proposed sanctioned plan. It was clarified that since Respondent No. 2 had purchased Ac.0-21 guntas only, the construction was made strictly to that extent.

17. The Respondents further denied the allegation that the root of the title indicated the property was a Hindu Joint Family property or that Respondent No. 1 was not the exclusive owner of the extent of Ac.0-21 guntas. The claim that the Petitioner held an equivalent share of Ac.0-10 ½ guntas was denied. It was asserted that the construction permission was not obtained by misleading the authorities on false statements. It was acknowledged that the Complainant had submitted a complaint to the HMDA seeking cancellation of the Building Permit, which was pending consideration subject to the production of necessary documents.

18. Regarding the registration under RERA, it was denied that the Respondents falsely claimed themselves as 'promoters' or submitted undated and unregistered documents styled as a Memorandum of Understanding/Development Agreement. It was further denied that false information was submitted to the Authority regarding pending cases or that documents pertaining to Survey No. 24/A2 were referred to as being in respect of Survey No. 34/A. The Respondents denied suppressing material facts to obtain the RERA registration vide ID No. P01100008111.

19. The Respondents also addressed the allegations concerning the second transaction. While acknowledging the execution of a Registered Development Agreement-cum-General Power of Attorney No. 14172/2024, dated 27-05-2024, by Mr. Mangali Devaiah in favour of M/s. Uttam Realtors in respect of Ac.0-19 guntas in Survey No. 24/A1, it was denied that this was based on false information or suppression of facts. The contention that the existence of permission from the Authority would lead to a multiplicity of litigation was refuted.

20. It was affirmatively submitted that Smt. Mangali Neelamma is the absolute owner and possessor of the Open Land in Survey No. 24/A2 admeasuring Ac.0-20 guntas (2420 Sq. Yards), situated at Ameenpur. It was stated that she purchased the same through a Registered Sale Deed vide Document No. 320/1992 dated 27-01-1992. Her name was mutated in the revenue records, and an e-Pattadar Passbook cum Title Deed (No. T09010070079) was issued. Furthermore, she converted the entire land from agriculture to non-agriculture vide Proceedings No. A2/4607/2019 dated 22-08-2019 issued by the Tahsildar, Ameenpur Mandal.

21. It was submitted that Smt. Mangali Neelamma, having possessed the land since 1992, approached Respondent No. 2 (as cited in the text, contextually referring to the Developer) with a proposal to develop the property for mutual benefit. Accordingly, they entered into the Registered Development Agreement cum General Power of Attorney vide Document No. 43878/2022 dated 28-12-2022. It was pointed out that although Neelamma had been the rightful owner since 1992, the Complainant intentionally failed to make her a party to the suit filed in 2019. It was alleged that the Complainant was now making false claims to grab the land and cause monetary loss to the Respondents.

22. It was further submitted regarding the jurisdiction that Section 79 of the RERA Act specifically bars civil courts from entertaining suits that the RERA Authority is empowered to determine. However, it was argued that issues such as a partition suit between family members over inherited land fall outside RERA's specific jurisdiction and remain with the civil courts. It was stated that O.S. No. 195/2019 was still pending before the Hon'ble District Court, Sangareddy, and was undergoing trial. The Respondents contended that the Complainant suppressed these facts with a *mala fide* intention.

23. In conclusion, it was submitted that the Complainant was in no way concerned with the subject property, which was the self-acquired property of Smt. Mangali Neelamma. It was alleged that due to the hike in market prices, the Complainants developed an evil eye and filed the frivolous suit and the present complaint with an ill intention to extract amounts in a blackmailing manner. Consequently, the Respondents prayed for the dismissal of the complaint *in limine* in the interest of justice.

24. An Adoption Memo dated 20.08.2025 was filed on behalf of Respondents No. 1 to 4, adopting the above Counter filed by Respondent No. 5 to 7.

D. Points for Consideration

25. After perusal of the documents filed by the parties and the contentions raised therein, the following issues arise for consideration by this Authority:

- I. Whether the present Complaint is maintainable before this authority?
- II. Whether the Complainant is entitled to the relief as prayed for? If yes, to what extent?

E. Observations of the Authority

Point I & II

26. Upon careful consideration of the pleadings, documents placed on record, and the submissions advanced by both sides, this Authority finds that the Complainants herein claim rights over the subject project land on the basis of an alleged ownership interest. It is an admitted position on record that a civil dispute in O.S. No. 195 of 2019 is pending before the competent District Court at Sangareddy, wherein the very issue of title, ownership, and share in the project land is under adjudication. The determination of such rights involves questions of title and partition, which fall squarely within the exclusive jurisdiction of the Civil Court and not within the domain of this Authority constituted under the Real Estate (Regulation and Development) Act, 2016.

27. This Authority further observes that, in view of the pendency of the civil suit, the status of the Complainants as landowners has not attained finality. Consequently, the Complainants cannot be treated as landowners for the purposes of the Act, nor can they be treated as allottees, as admittedly no apartment, plot, or building has been allotted, sold, or transferred to them by the promoter under the Act. Thus, as on date, the Complainants do not fall under any of the categories of persons recognised under the Act as being entitled to invoke the jurisdiction of this Authority.

28. This Authority, therefore, holds that the Complainants, whose claim is founded on an alleged ownership interest which is itself sub judice before a competent Civil Court, and who are neither allottees nor beneficiaries of any allotment under the Act, cannot be construed as “aggrieved persons” within the meaning of Section 31 of the Act.

29. Accordingly, this Authority is of the considered view that the present complaint is not maintainable before this Authority under the Real Estate (Regulation and Development) Act, 2016, and is dismissed on this ground alone.

30. However, notwithstanding the dismissal of the present complaint on the ground of non-maintainability, this Authority, in the exercise of its statutory regulatory functions, deems it appropriate to take cognizance of the matter to a limited extent, namely with respect to the alleged regulatory lapse concerning non-disclosure of pending litigations at the time of registration of the project before this Authority, which has been specifically brought to its notice through the present complaint.

31. It is borne out from the record that the project land forming part of Survey No. 24/A (including Survey Nos. 24/A1 and 24/A2) of Ameenpur Village and Mandal, Sanga Reddy District, is the subject matter of a pending civil dispute in O.S. No. 195 of 2019 on the file of the competent Civil Court at Sangareddy, wherein issues relating to title, ownership, and partition of the land are under adjudication. Copies of pleadings and references to the said civil proceedings have been placed on record before this Authority. The existence of such litigation, being material in nature, assumes relevance in the context of statutory disclosures required to be made by a promoter at the time of seeking registration under the Real Estate (Regulation and Development) Act, 2016.

32. Accordingly, and without expressing any opinion on the merits of the title dispute pending before the Civil Court, this Authority hereby directs the Secretary, Telangana Real Estate Regulatory Authority, to undertake a detailed verification of the statutory declarations and disclosures made by the Respondent-promoter at the time of registration of the project “RRR Tower” bearing RERA Registration No. P01100008111, particularly with reference to disclosure of pending litigations affecting the project land. Upon such verification, the Secretary shall take appropriate steps, if warranted, in accordance with Section 4 read with Section 60 of the Real Estate (Regulation and Development) Act, 2016 and the Rules made thereunder, strictly in accordance with law.

33. Accordingly, the case is dismissed. No order as to costs.

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

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

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