

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

COMPLAINT NO.807 OF 2023

28th Day of March, 2024

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

Sri Maruthi Lalitha Ravi Krishna

...Complainant

Versus

Koneru Nageshwara Rao
M/s Udaya SSV Projects
M/s SSR Estates LLP

...Respondent

The present matter filed by the Complainant herein came up for hearing on 31.20.2023 and 31.01.2024 before this Authority in the presence of Complainant and Respondent. Upon hearing the arguments of 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 "RE(R&D) Act") read with Rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the "Rules") seeking directions from this Authority to take action against the Respondent.

A. Facts of the Case as Stated in the Complaint:

3. The case pertains to a property located in Brindavan Colony, Narsinghi Village, Gandipet Mandal, Rangareddy District. The property consists of two plots, namely Plot No. 21/3A (E5/9) and Plot No. 22 (E5/10), with a total area of Ac. 13-08gts in Sy.No.136. The property was purchased by the late Mr. M. Ramarao in 1967. Plot No. 21/3A was registered in the name of Mrs. M.V. Seshamma.

4. The original pattedar of the land, Mr. K. Sriramulu, appointed Mr. P.V. Kutumba Rao as his GPA through a registered document (Document No.11 of 1967). The land was laid out as part of Brindavan Colony, with a large park, roads, and plots, as shown in the original layout map. The layout was approved by the Sarpanch of Narsingi Village in 1967.
5. Mr. Kutumba Rao sold numerous plots to third-party buyers within Brindavan Colony for over 35 years from 1967 until 2002 through registered sale deeds. These transactions were not objected to by the original pattedar, Mr. Sriramulu, until his demise in 2005.
6. The revenue authorities did not update the land records (Pahanis) to reflect the sale of plots within Brindavan Colony, leading to discrepancies in land ownership records. An encumbrance search reveals numerous transactions related to the plots within the colony.
7. After Mr. Sriramulu's death, his children applied for the mutation of the entire land in their name based on a 'Will Deed' (Doc.No. 145/Book/III/2005), which was registered just hours before his death, under suspicious circumstances. The mutation was granted without proper site visits and verification of land records.
8. Plot owners within Sy.No.136 applied for and received LRS for their plots, further confirming the legitimacy of the layout.
9. The RDO, Rajendranagar Division, issued land conversion orders, allowing for the change in land use, further benefiting the LR's of Mr. Sriramulu.
10. The LR's of Mr. Sriramulu entered into a Development Agreement cum General Power of Attorney (DAGPA) with M/s. UDAYA SSV PROJECTS for the development of the entire land in Sy.No.136, claiming to be the absolute owners and possessors.
11. M/s. UDAYA SSV PROJECTS occupied the land, removed plot boundaries and roads, and erected metal sheet barricades around the

property. Multiple plot owners filed police complaints against this illegal occupation.

12. Several FIRs have been filed by affected plot owners against M/s. UDAYA SSV PROJECTS for land grabbing and illegal occupation.

B. Prayer:

13. Immediate action shall be taken by HMDA and Narsingi Municipal Authorities to correct their mistakes and submit true facts before the Hon'ble Courts to expose the criminal fraud perpetrated by Koneru Nageswar Rao & Ors.

C. Reply by the Respondent:

14. The complainant consistently engages in the practice of fabricating false complaints with a malicious intent to derive undue advantages, thereby confounding authorities with illicit documentation

15. The complainant neither holds the status of a flat purchaser nor possesses an agreement in their project. False complaints have been proffered by the complainant to HMDA, courts, and other authorities, all of which have been unequivocally dismissed.

16. A recent inquiry conducted by HMDA, inclusive of hearings involving all relevant parties, culminated in an order dated 16.11.2023, thereby rejecting the complainant's allegations. A copy of said order is appended herewith

17. Koneru Nageswar Rao and others, as absolute landowners of the parcel measuring AC-13-08 gts., sought permission on 18.11.2019 to erect a multi-storied building in Sy. No. 136 of Narsingi Village and Narsingi Municipality.

18. Following a meticulous examination of land documents and field survey reports, technical approval was granted by HMDA authorities via Approval Letter No. 030598/ZOA/R1/U6/18112019 dated 15.11.2020. Additionally,

HMDA sanctioned the construction of two (2) additional floors beyond the initial permission of 2 cellars + 9 upper floors.

19. During the preparatory phase for commencement of construction, a show cause notice was issued by HMDA dated 02.06.2021 to M/s Udaya SSV Projects, the then developer, in response to a complaint lodged by Mr. M.L. Ravi Krishna dated 30.04.2021, alleging encroachment upon roads, park areas, etc.

20. Subsequently, the complainant filed a petition before the Hon'ble I Additional JCJ cum XV Addl. Metropolitan Magistrate, Cyberabad, seeking a temporary injunction. The Interlocutory Application (I.A) was disposed of by the honorable court, opining that the complainant failed to substantiate the existence of his land in survey no. 136 and the associated layout. The plea was rejected on the grounds that the complainant approached the court without clean hands.

21. From the aforementioned evidence, it is evident that the complainant has been unable to substantiate the existence of his land in survey no. 136 or the presence of a layout therein. Consequently, there is no foundation for disturbing the boundaries, roads, and public park, as no layout exists in survey no. 136, the basis upon which technical approval was accorded by HMDA.

22. Furthermore, the complainant himself acknowledged that survey no. 137 is government land, and a dispute between the government and third parties is ongoing. The complainant's attempt to encroach upon survey no. 136, owned by the Respondent, is an endeavor born out of the complainant's inability to gain access to his lands in survey no. 136, leading to the creation of false complaints with a malicious intent to secure ulterior benefits.

23. Another complaint with identical subject matter was lodged with HMDA by the same complainant on 10.10.2022, prompting the Respondent to file a Writ Petition in the Hon'ble High Court of Telangana.

24. HMDA authorities conducted a comprehensive investigation, and the complaints proffered by the complainant were rejected as he failed to substantiate the existence of the layout and his land.

25. Furthermore, the project is duly registered with RERA, and the requisite permission for an additional 2-floor building has been obtained from HMDA.

D. Observation and Direction of the Authority:

26. The matter was finally heard on January 31, 2024, during which the complainant reiterated the contents of their complaint. Upon thorough examination of the complaint and record file, it is evident that the relief sought by the complainant pertains to HMDA and not this Authority. The complaint failed to specify how this Authority has jurisdiction over the subject matter. When questioned about this during the hearing, the complainant indicated a lack of awareness regarding the jurisdiction of this Authority. Additionally, there appears to be a boundary and title dispute between the parties involved. Consequently, the Authority concludes that the complainant has not adequately established the jurisdiction of this Authority over the subject matter. Therefore, due to this jurisdictional deficiency, the matter is hereby dismissed.

Sd/-

**Sri. K. Srinivas Rao,
Hon'ble Member
TS RERA**

Sd/-

**Sri. Laxmi NaryanaJannu,
Hon'ble Member
TS RERA**

Sd/-

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