

**BEFORE THE  
TELANGANA STATE REAL ESTATE REGULATORY AUTHORITY,  
HYDERABAD**

COMPLAINT NO.34/2022/TSRERA

Date of decision: 25<sup>th</sup> day of September, 2023

**Bade Andalamma**

**....Complainant**

**Versus**

**M/s Sterling heights Pvt. Ltd**

**....Respondents**

**Quorum:**

Dr.N.Satyanarayana, Hon'ble Chairperson  
Sri. K. Srinivas Rao, , Hon'ble Member  
Sri. Laxmi Naryana Jannu, Hon'ble Member

**Appearance:**

Complainant: Represented by Counsel  
Respondent: Appeared in person and Counsel.

**ORDER**

This order is issued to address the complaint filed before this authority under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the "Act"), in conjunction with Rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the "Rules"). The complaint revolves around a title land dispute, and concurrently, the complainant has also approached the Civil Court seeking similar relief.

2. The said complaint, filed in Form M, states that the complainant, Bade Andalamma, is the absolute owner and possessor of Open plot No.6, admeasuring 400 Sq. Yards, Sq. Mtrs., in Sy.No.224, situated at Bhanoor Village, Patancheru Mandal, Sangareddy District (Erstwhile Medak District), Telangana. She claims to have acquired this property through a registered sale deed vide Doct. No. 14743/2008 dated 23-10-2008.

3. It is brought to the attention of this authority that originally, Mohammad Khasim was the absolute owner, possessor, and Pattedar of land in Sy.No. 224 admeasuring Ac.6-01 gts situated at Bhanoor village, Sanga

Reddy District, Telangana. Subsequently, there was an exchange deed between Mohammad Khasim and Katike Balaji, among others. The complainant alleges that the respondent, M/s Sterling Heights Pvt. Ltd, has encroached upon her property, illegally included it in their gated community "STERLING ASTER MEADOWS-2," and failed to provide the necessary documentation when requested.

4. The complainant has also stated that she had issued a legal notice to the respondent on 25-01-2021, demanding the return of her property, but the respondent did not comply with this demand.

5. The respondent, in their reply, contests the jurisdiction of this authority, claiming that the matter is civil in nature and is already pending before the Hon'ble Junior Civil Judge, Sangareddy. They argue that the complainant is not an "aggrieved person" under Section 31 of the RERA Act and lacks the locus standi to file this complaint.

6. The respondent further asserts that the layout in question has received technical approval, and the matter is no longer under the jurisdiction of this authority. They contend that the complainant has filed a speculative suit and that her claims do not fall under the scope of the RERA Act.

7. The respondent also disputes the complainant's claim to ownership of the property, suggesting that the documents presented by the complainant are questionable and that the matter is a civil dispute.

8. On 17th August 2023, a hearing took place during which the Learned Counsel for the Complainant was given an opportunity to submit evidence to establish the Complainant as an aggrieved person under Section 31 before the next hearing date. Consequently, the matter was scheduled for further proceedings on 20th September 2023.

9. During the hearing held on 20th September 2023, the Learned Counsels for the Complainant and the Respondent reiterated the allegations made in the written submissions. However, the Counsel for the Complainant failed to provide any form of evidence or information that would satisfy the criteria for classification as an 'aggrieved person' as stipulated in the 2016 Act. This determination is based on the fact that the Complainant does not fall into any of the specified categories, which include being an allottee, an association of allottees, or a voluntary association. Consequently, the Complainant does not meet the definition of an aggrieved person as defined in Section 31 of the RERA Act. Section 31 is reproduced below:

*31. (1) Any aggrieved person may file a complaint with the Authority or the adjudicating officer, as the case may be, for any violation or contravention of the provisions of this Act or the rules and regulations made thereunder against any promoter allottee or real estate agent, as the case may be.*

*Explanation. —For the purpose of this sub-section “person” shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.*

10. Upon careful consideration of the submissions and documents presented by both parties, it is evident that there is a dispute concerning the identity of the land and the legality of the complainant's claims. This dispute is currently pending before the Hon'ble Junior Civil Judge, Sangareddy.

11. So, in the view of the provisions of the Act quoted above, due to lack of *locus standi* of the complainant to submit the current application under Section 31 of the RERA Act, the present complaint is dismissed.

12. Given the ongoing civil litigation and the nature of the dispute, this authority is of the view that it lacks jurisdiction to adjudicate the matter at this stage. The complainant's claims are intertwined with the civil proceedings, and it is only appropriate for the civil court to decide on the ownership and possession of the property.

13. In light of the above, this authority hereby dismisses the complaint filed by Bade Andalamma on the grounds of lack of jurisdiction and refers the parties to pursue their claims through the appropriate civil court. This dismissal is without prejudice to any rights the parties may have in the civil proceedings.

14. 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 Telanagana 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 receipt of this Order.

**Sd/-**

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

**TS RERA**



**Sd/-**

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

**TS RERA**

**Sd/-**

**Dr.N.Satyanarayana, Hon'ble Chairperson**

**TS RERA**