

BEFORE TELANGANA REAL ESTATE REGULATORY AUTHORITY

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

Complaint No. 175 of 2025

Dated: 6th November, 2025

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

1. Muralidhar Anantham

2. Kavitha Anantham

*R/o: H.No. 4196, Street 12, Vidyuth Nagar,
Tellapur, Ramchandra Puram Mandal,
Sangareddy District, Telangana*

...Complainants

Versus

M/s S Square Infra Builders,

*R/o: 2nd Floor, Plot No. 1137, Road No. 56,
Ayyappa Society, Madhapur, Hyderabad, Telangana*

...Respondent

The present matter filed by the Complainant mentioned herein above came up for hearing on 06.08.2025 before this Authority in the presence of the Complainants in person, and Counsel for Respondent Mr. Sai Santosh Bendi and upon hearing the submissions of both the parties, this Authority proceeds to pass the following **ORDER**:

2. The present Complaint has been filed by the Complainant under Section 31 of the Real Estate (Regulation & 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") seeking appropriate relief(s) against the Respondents.

A. Brief facts of the case:

3. The Complainants, are the allottees and owners of Villa No. 13 in the Urban Green Villas community, situated at Patighanpur Village, Patancheru Mandal, Tellapur Municipality, Sangareddy District, Telangana.

4. The villa was purchased in the year 2024 based on the gated community brochure and the HMDA approved plan of the project being developed by M/s S Square Infra.

5. The grievance of the Complainants arises from deviations carried out by the Respondent in violation of the project brochure and the HMDA-approved plan. Specifically, in January 2025, the Respondent removed the existing greenery (lawn) originally shown in the approved plans behind Villa 13 and replaced it with a gaming zone constructed with cement structure.

6. The new structure is designed to accommodate high-intensity floodlights and activities likely to cause excessive noise, heat, and disturbance. The Complainants contend that such alterations will directly impact the health of the residents, and once operational, it will make living in the house unbearable.

7. It is submitted that, despite repeated requests to remove the deviation and adhere to the agreed plan, the Respondent has been reluctant to comply to what was agreed and continues to provide excuses to delay the process.

B. Relief(s) Sought:

8. Accordingly, the Complainant sought the following reliefs:

- I. An instruction to the Respondent, M/s S Square Infra to remove the deviation already constructed behind Villa 13 at the earliest possible and maintain the greenery (lawn) instead, as committed in Villas brochure and HMDA plan.
- II. An instruction to the Respondent, M/s S Square Infra to adhere to their brochure and HMDA plan in providing amenities behind Villa 13 at the earliest possible, and suggest them not to deviate and also instruct not to cause further inconvenience to the residents of Villa 13.

C. Counter filed by the Respondent:

9. At the outset, the Respondent categorically denies all allegations and averments made by the Complainants as false, misleading, and legally untenable. It is submitted that the complaint is an abuse of process, filed with suppression of material facts, and is vexatious in nature.

10. The Respondent states that it is a reputed developer undertaking the project “Urban Greens” in Patighanpur Village, Sangareddy District, in strict compliance with all statutory requirements. Necessary approvals were obtained, including HMDA Layout Approval No.

036227/ZOA/LO/U6/HMDA/04062020, and the project is duly registered with this Authority under Registration No. P01100003010.

11. The Complainants, being the owners of Villa No. 13 in the project, have raised a dispute relating to a piece of land adjacent to their villa, alleging that the Respondent has illegally commenced construction in deviation of the sanctioned plan. The Respondent submits that this allegation is baseless and arises from a misreading of the sanctioned layout plan, which is a public document available even before the Complainants' purchase. The said plan clearly earmarks the land in question as "Open Space/Amenity Area". This space was always intended to be a common amenity for the use and benefit of all residents and was never designated, either in the plan or any contractual document, as a private green space for the exclusive enjoyment of the Complainants or any single villa owner.

12. It is further submitted that the Respondent, acting in good faith, had received written and oral representations from a substantial majority of villa owners requesting a more active recreational facility, and accordingly the area was modified from a passive lawn into a multi-purpose court. The Respondent contends that this is not a deviation from the sanctioned plan, since the land use continues to remain "Amenity/Recreational," but merely a modification of the form of amenity provided for the greater good of the community, a right which vests with the developer. Despite this bona fide decision, the Complainants have initiated multiple and parallel proceedings on the exact same cause of action before different forums, including W.P. No. 10483 of 2025 before the Hon'ble High Court for the State of Telangana, which is sub-judice, as well as a complaint before HMDA, which resulted in a notice dated 03.06.2025. The Respondent submits that such conduct amounts to forum shopping and an abuse of process.

13. The Respondent relies on the Doctrine of Election, as discussed by the Hon'ble Supreme Court in *Ireo Grace Realtech (P) Ltd. v. Abhishek Khanna* (2021) 3 SCC 241, to contend that the Complainants having already invoked the extraordinary writ jurisdiction of the High Court, are precluded from simultaneously pursuing the same grievance before this Authority. The Respondent further contends that judicial propriety and the principle of *lis pendens* require that parallel proceedings be avoided so as not to result in conflicting decisions.

14. The Respondent also points out that the Complainants' reliance on the wording in their Sale Deed (Doc No. 3931/2024), where the eastern boundary is described as "Park," is misconceived. The governing statutory document is the HMDA-sanctioned plan, which designates the area only as "Open Space/Amenity Area." The word "Park" is merely a general,

descriptive term for this amenity space and does not create a binding, unalterable obligation to maintain a passive lawn overriding the approved plan. The Respondent submits that, as developer, it retains the right to determine the specific form of amenity within the permitted land use category, particularly when supported by the majority of residents.

15. Without prejudice to these objections, the Respondent submits that it has at all times acted in conformity with the sanctioned plans. It is further submitted that, as a gesture of goodwill and to put an end to the controversy, the Respondent has voluntarily commenced and is in the advanced stages of restoring the area to its original state as a lawn. This voluntary action, however, should not be construed as an admission of wrongdoing but renders the grievance of the Complainants infructuous. The Respondent therefore submits that the present complaint is devoid of merit, vexatious and oppressive, forming part of a multi-pronged litigation strategy designed to harass the developer. Accordingly, it is prayed that the complaint be dismissed with exemplary costs for abuse of process.

D. Rejoinder filed by the Complainant:

16. In response to the preliminary objections raised by the Respondent on the issue of maintainability, the Complainants submit that the allegations of “forum shopping” and invocation of the doctrine of election are unfounded and made only to derail the proceedings. The Complainants categorically deny any abuse of process. It is submitted that multiple forums were approached only in response to the continued violations and inaction of the Respondent and concerned authorities, not for concurrent reliefs but for specific and distinct redressals. The reliefs now sought before this Hon’ble Authority fall squarely within the exclusive statutory jurisdiction of RERA under Sections 11(4), 14, and 31 of the RE(R&D) Act, and are distinct from general constitutional remedies.

17. With regard to the issue of illegal deviation, the Respondent’s contention that conversion of an open lawn into a multipurpose court is not a deviation is untenable. Any structural addition or modification of sanctioned open space, without revised approval from HMDA amounts to deviation under Section 14 of the Act. It is further submitted that the assertion that the space was always “amenity” area does not authorize unilateral conversion without due consultation and approval. It is submitted that the claim of “majority resident support” is vague, undocumented and contested. It is stated that no such proposal was ever transparently shared or consent obtained from the allottees like the Complainants, whose villa directly adjoins the affected space.

18. With regard to the Respondent's claims that the area is being "restored to a lawn" as a goodwill gesture, the Complainant submits that no official confirmation, timeline or photographic evidence of such restoration has been shared with the Complainants. It is therefore prayed that this Hon'ble Authority may be pleased to direct the Respondent to submit an affidavit undertaking that the deviation will not be repeated in the future and that any changes to the layout will strictly comply with law and prior consent of affected allottees.

19. It is further submitted that the Complainants have endured immense mental stress, time loss and financial cost in pursuing multiple complaints solely due to the Respondent's high-handed and arbitrary actions. This includes architectural disruption, depreciation in property value, loss of peace, and legal expenditure.

20. In view of the above, it is respectfully prayed that this Hon'ble Authority may be pleased to direct the Respondent to submit a written undertaking/affidavit before this Authority affirming that no deviations or modifications from the sanctioned layout plan will be undertaken in the future without due permissions and prior written consent from affected residents, and that the amenity space in question shall remain a landscaped lawn as per the original plan and shall not be converted to any other form. It is further prayed to award exemplary compensation to the Complainants for the mental agony, legal expenses and time lost due to the Respondent's actions, to take cognizance of the Respondent's attempts to mislead this Hon'ble Authority by mischaracterizing the nature of the deviation and attempting to escape accountability, and to pass such other orders or directions as may be deemed just, equitable and necessary in the interest of justice and fair play.

E. Observations of the Authority:

21. Upon the perusal of all the pleadings as well as the documents placed on record by all the parties, this Authority proceeds with the following observations. The present complaint arises from the grievance of the Complainants, who are allottees and owners of Villa No. 13 in the project "Urban Green Villas," developed by the Respondent, M/s S Square Infra at Patighanpur Village, Patancheru Mandal, Sangareddy District. The Complainants contend that the Respondent has deviated from the HMDA-approved layout plan and project brochure by removing the landscaped lawn area located behind their villa and constructing cemented multipurpose gaming zone in its place. The Complainants have sought directions to the Respondent to remove the deviation, restore the area to its original state as a landscaped lawn,

and to ensure that no further deviations are undertaken in future in violation of the sanctioned plan.

22. The Respondent, on the other hand, has denied all allegations of illegality or deviation and contended that the area in question is designated as “Open Space/Amenity Area” as per the sanctioned layout, and that modification of the amenity from a lawn to a recreational court does not amount to a violation, since the land use remains within the same permitted category. It is further stated that such modification was carried out based on requests received from a majority of the villa owners and for the overall benefit of the community.

23. The Respondent has further submitted that it has, at its own expense, commenced and is in the advanced stage of restoring the area to its original state as a lawn in order to maintain harmony and put an end to the dispute. The Respondent has also produced photographs evidencing the ongoing restoration work.

24. In view of the above, this Authority observes that the main relief sought by the Complainants, namely, the restoration of the area behind Villa No. 13 to its original form as a lawn, has effectively been met by the Respondent’s voluntary act of reinstating the space. As such, the grievance raised in the complaint stands redressed, and the complaint is rendered infructuous.

25. However, this Authority deems it necessary to reiterate that promoters are bound by the statutory obligations under Section 14 of the RE(R&D) Act, 2016, which mandates that every real estate project shall be developed and completed in accordance with the sanctioned plans, layout plans, and specifications approved by the competent authorities.

26. Accordingly, while noting the Respondent’s compliance and restoration efforts, this Authority directs the Respondent to strictly adhere to the sanctioned plan and the approved layout henceforth, and not to carry out any modification or deviation in the project’s common areas without obtaining due approvals and requisite consent as prescribed under the RE(R&D) Act.

F. Directions of the Authority:

27. Vide the powers vested under Section 37 of the RE(R&D) Act, 2016, this Authority issues the following directions:

- i. In view of the Respondent having restored the area situated behind Villa No. 13 to its original state as a lawn, as evidenced by the photographs and material placed on record,

the grievance raised by the Complainants stands redressed. Accordingly, the complaint is rendered infructuous.

- ii. The Respondent, M/s S Square Infra, is directed to strictly adhere to the sanctioned layout plan and approved specifications of the project as mandated under Section 14 of the Real Estate (Regulation and Development) Act, 2016.
28. Failing to comply with the above-said direction by Respondents shall attract penalty in accordance with Section 63 of the RE(R&D) Act, 2016.
29. The complaint stands disposed of in the above terms. There shall be 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

