

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

**COMPLAINT NO. 77 OF 2024**

**31<sup>st</sup> Day of December 2024**

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

Sri Thota Sudhakar

...Complainant

Versus

M/s Supadha Infra Private Limited

...Respondent

The present complaint, filed by the Complainant, was heard before this Authority on 23.07.2024, 21.08.2024, 18.09.2024, and 17.10.2024 in the presence of Counsel for the Complainant, Sri M Shyam Prasad and Counsel for the Respondent, Sri. M.V. Durga Prasad, and after considering the submissions of both 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 (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 directions from this Authority against the Respondent for alleged encroachment upon the ancestral land and fraudulent inclusion of the same in the Respondent's registered project "GEETHIKA."

**Brief facts on behalf of the Complainant:**

3. The Complainant, a resident of Alkapur Colony and had been duly authorized by three individuals—Munnuru Padamamma, Munnuru Lavanya, and Thota Laxmi—via registered General Power of Attorneys (hereinafter referred to as "GPAs") to represent their interests in the complaint. It was submitted by the Complainant

that the Respondent had obtained permissions and RERA registration bearing Rgn. No.P01100005949 for the Project titled "GEETHIKA," limited to specific survey numbers in Velimela village, RC Puram mandal, Sangareddy District, Telangana. However, the Complainant alleged that the Respondent had encroached upon land identified as Survey No. 189/A, which formed part of ancestral property owned by the aforementioned principals and others. This land, referred to as "Disputed Land," was under litigation in the Court of the Family Judge cum VII Additional District and Sessions Judge, Medak, at Sangareddy, under OS No. 116 of 2016.

4. The Complainant further alleged that during the pendency of the litigation, the Respondent had fraudulently developed the disputed land as part of the "GEETHIKA" project, despite having no legal authority or valid title. Supporting evidence including satellite images and layout approvals, had been submitted. The Complainant also contended that the Respondent had provided a false affidavit in Form-B, falsely claiming legal title to the land and an agreement with the landowners to obtain RERA registration.

5. It was further submitted that the Respondent had failed to fulfil their statutory obligation under Section 11(1)(e) of the Act, 2016 by not providing quarterly updates on the project. The last recorded system login by the Respondent had been on February 9, 2023, which evidenced non-compliance.

6. The Complainant contended that the Respondent's actions had contravened the objectives of Act, 2016 which aim to ensure transparency and protect consumers. By offering apartments on disputed land through online and offline channels, the Respondent had allegedly engaged in unfair practices, putting innocent real estate consumers at risk of legal battles.

**Relief(s) sought:**

7. Aggrieved by the actions of the Respondent, the Complainant prayed for the following reliefs from this Authority:

- a. *Revoke the RERA registration granted vide number P01100005949, in accordance with section 7(1)(c) and 7(1)(d) of the RE(R&D) Act.*
- b. *Revoke the RERA registration granted vide number P01100005949, in accordance with section 7(1)(a) of the RE(R&D) Act.*
- c. *Penalize the promoter to the maximum possible extent in accordance with section 60 of the RE(R&D) Act.*
- d. *Exercise the powers entrusted to this Authority under section 35(1) to conduct an independent inquiry into other fraudulent practices in the project "GEETHIKA" to determine all violations committed by the promoter.*
- e. *Pass such other orders or specific reliefs as the nature and circumstances of the complaint may require to meet the ends of justice.*

**Counter on behalf of the Respondent:**

8. The Respondent filed a detailed counter and submitted that the Complainant or his principals are not the 'aggrieved person' within the meaning of section 31 of the Act, as they are not the allottees or the promoters as defined under section 2(d) or (zk) and that therefore, the present complaint is liable to be dismissed.

9. The Respondent further submitted that the Section 31 of the Act provides for filing of complaint by any "aggrieved person" against any violation or contravention of the provisions of the Act, 2016. That the explanation to Section 31 (1) provides that 'person' shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force. The Complainant or his principals are not the allottees or the interested persons in the project and they do not have any locus to file the present complaint.

10. The Respondent submitted that the Complainant alleged to be the GPA holder of the alleged owner of land in Sy.No.189/A of Velimela village, RC Puram Mandal, Sangareddy District and alleges encroachment thereof. The questions relating to title and possession of land, is essentially a civil dispute, which can be raised in an appropriate suit, before the competent court and therefore such questions are beyond the scope of the Act, 2016 and therefore the jurisdiction of this Authority. It was submitted that the private title disputes cannot be urged before this Authority

under the guise of encroachment. This Respondent is not concerned with the said land in Sy.No.189/A and it is not subject matter of the project or permissions obtained by this Respondent.

11. It was further submitted that the landowners of Sy.Nos. 122, 123, 148, 150 to 162, 165 to 169, 177 to 183, 186 to 188 of Velimela village, RC Puram Mandal, Sanga Reddy District have entered registered DGPAs with this Respondent company vide Doc.Nos. 10984/2023, 46185/2021, 36528/2021, 30712/2021, 15860/2021, 15861/2021, 36538/2021, 30717/2021, 5006/2022, 30710/2021, 30713/2021, 13986/2022, 41361/2021, 280/2022, 30715/2021, 14652/2022, 8563/2022, 44153/2023, 30723/2022. This Respondent company obtained permission for construction of community villas project vide Lr.No. TS/005071/SKP/PLG/HMDA/2022 dated 04.01.2023 issued by the Hyderabad Metropolitan Development Authority. This Respondent has also obtained a RERA registration certificate from this Hon'ble Authority vide No.P01100005949 dated 01.04.2023.

12. That the said project is under construction without any pending disputes or claims by any third party. The Complainant is the alleged IGPA holder of the alleged landowners of Sy.No.189/A and the allegation that this Respondent company has encroached upon the said land is absolutely false and invented for the purpose of the present complaint, which is purely speculative, intended to malign this Respondent and extort money. It was submitted that the Respondent company is developing only the land covered under the DGPAs belonging to the land owners under the said the DGPAS and not at all concerned with the land in Sy.No.189/A. The compound wall was constructed somewhere before 2000 and no one raised any objection including the Complainant and if really there was an encroachment and the Complainant had any interest, he would not have kept quiet for 24 long years and acquiesced to the constructions being carried for the last 2 years in a massive manner.

13. It was submitted on behalf of the Respondent that filing of a complaint and seeking relief on the allegation of encroachment is beyond the scope of provisions of

the Act, 2016. That the jurisdiction of this Authority is limited only for the adjudication of disputes between the allottees, promoters and real estate agents. The present grievance of Complainant or his principals alleged encroachment, being 3rd parties is not contemplated by the Act and therefore does not fall under the above-mentioned category contemplated by the Act, 2016 and that therefore, the Complainant and his alleged principals have no locus to file a complaint before this Hon'ble Authority.

14. It was submitted that during the pendency of OS.No.116 of 2016 this Respondent company fraudulently encroached the disputed land and started developing the layout as if it is part of Geethika without any authority and without any title over the disputed land parcel property. It is also denied that this Respondent has failed to provide quarterly up to date on the status of the project whereas this Respondent has been continually uploading all the quarterly up to date in the website. It is also denied that this Respondent purposefully acting against the obligations casted on him by obtaining TS RERA registration is absolutely wrong.

**Rejoinder on behalf of the Complainant:**

15. In response, the Complainant emphasized that Section 31 of Act, 2016 allows any aggrieved person to file a complaint with this authority against any promoter or allottee or real estate agent. Further, for the purpose of this section, person includes association of allottees or any registered voluntary consumer association but did not exclude anything from the definition of person defined under Section 2(zg). Complainant or his principals are neither claimed as "allottee" nor claimed as "promoter". The Complainant added, but this does not necessarily mean that Complainant or his principals are not aggrieved persons. They are certainly aggrieved persons because Section 2(zg)(i) defines that the person can be an individual.

16. The Complainant relied upon the case of *Sri Vemula Prashanth Reddy & Ors. Vs Komati Reddy Venkat Reddy and others*, the Hon'ble High Court of Andhra Pradesh observed that "*The word person aggrieved are found in several statutes. The meaning of the words person aggrieved will have to be ascertained with reference to the purpose and the provisions of the statute*".

17. The Complainant also relied upon the case of *Bar Council of Maharashtra Vs M. V. Dabholkar*, in which the Hon'ble Supreme Court, at para 27 observed "*that the meaning of the words "a person aggrieved" may vary according to the context of the statute. One of the meanings is that a person will be held to be aggrieved by a decision if that decision is materially adverse to him. Normally, one is required to establish that one has been denied or deprived of something to which one is legally entitled in order to make one "a person aggrieved". Again a person is aggrieved if a legal burden is imposed on him. The meaning of the words "a person aggrieved" is sometimes given a restricted meaning in certain statutes which provide remedies for the protection of private legal rights. The restricted meaning requires denial or deprivation of legal rights. A more liberal approach is required in the background of statutes which do not deal with property rights but deal with professional conduct and morality.*"

18. The Complainant, therefore, submitted that Complainant or his principals are certainly "aggrieved persons" as they are imposed with a legal burden to protect their own property from third party alienation by committing grave violations under the cover of registration granted by the Authority. Due to the violations committed by the Respondents, Complainant or his principals are deprived of their legitimate right to enjoy their property at Sy No.189 adjoining the Respondent's project named "GEETHIKA" under RERA Rgn. No. P01100005949.

19. The Complainant also submitted that he did not file this complaint seeking to settle the private civil dispute, but because, for the purpose of obtaining RERA registration, vide Form B para 1, the Respondent made a unfair practice by falsely representing to this Authority that he have legal title to the land on which the development of the proposed project will be carried out. The Respondent may have title for part of the land where development is carried out but not entirely. That therefore, complaint is filed before this authority seeking to revoke the RERA registration under Sections 7(1)(c) and 7(1)(d) of the Act, 2016.

20. The Complainant further submitted that Respondent had obtained permissions listed in counter document but is not developing the project fully on the

land where he has legitimate title but on disputed land such as Sy.No.189. The Complainant submitted satellite images to substantiate his claim. He added the Complaint made before this Authority is not about encroachment but about committing the defined violations in the Act, 2016 such unfair practice by means of submitting false representations to this Authority vide Form-B and for obtaining RERA registration fraudulently.

21. Additionally, he submitted that the Respondent had not updated quarterly status update to the RERA portal which is an obligation casted upon promoter by RERA Act. On 23.07.2024, there was a scheduled adjournment for this complaint before this Authority for which purpose, the Respondents had logged into the portal for quarterly update. It continues to be the last update made by the Respondent on the RERA portal while quarterly update is a mandatory activity casted upon promoters thus, an update is necessary by 31st Mar, 30th Jun, 30th Sep and 31st Dec. Respondent did not made any update for the 3rd quarter i.e., for the month of Sep and that thus, the Respondent is misleading this Authority about providing quarterly updates. Therefore, Complainant prayed for the reliefs already prayed in the original complaint.

**Points for Consideration:**

22. This Authority heard and deliberated upon the contentions of both the parties and the following points sprout for consideration:

- I. Whether the Complainant and their principals qualify as "aggrieved persons" under Section 31 of the Act, 2016?
- II. Whether the Complainant is entitled to the reliefs sought? If yes, to what extent?

**Observations of the Authority:**

**Point I**

23. The Respondent raised a preliminary objection regarding the maintainability of the complaint, asserting that the Complainant does not qualify as an "aggrieved person" under Section 31 of the Act, 2016 and that the present complaint is liable to be dismissed.



24. Section 31(1) of the Act, 2016 stipulates that *“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.”* A plain reading of this provision makes it abundantly clear that only a person aggrieved under the provisions of the Act, 2016 is eligible to file a complaint before this Authority.

24. The Respondent relied upon the judgment of *Dr. Yogesh Keshav Bele vs. Maharashtra Real Estate Regulatory Authority*, [2023 SCC OnLine Bom 1849], wherein the Hon’ble Bombay High Court held that:

*“10. Admittedly, the Appellant is not an “allottee” in the project under consideration which is developed by the Respondent No. 3 because he has not booked any flat/property in the said project. The grievance of the Appellant is with respect to the allegation that the Respondent No. 3 has violated various laws in the development of the said building including the challenge to the manner in which the occupation certificate was received by the developer. The plot of land of the Appellant is adjoining to the said project developed by the Respondent No. 3. On the basis of this fact, the grievance of the Appellant appears to be various violations alleged to have been committed by the Respondent No. 3 in developing the project including allegation of encroachment by the Respondent No. 3 on the land of the Appellant.*

....

*13. On a harmonious and holistic reading of various above-referred provisions of the RERA Act, in my view, a person who is not at all connected with the project of the promoter since he had not booked any flat in the said project cannot be said to be an “aggrieved person” under Section 31(1) for filing complaint. The Explanation to Section 31(1) provides that “person” shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force. The “aggrieved person” under the RERA Act could be an allottee or real estate agent or promoter or association of allottees or any voluntary consumer association registered under any law for the time*



being in force. A person who is not at all connected or interested in the project but seeks to redress his private grievances as a person occupying the adjoining land next to the project cannot be said to have any locus to file a complaint and redress his private grievances by taking recourse to the RERA Act. The remedy of such a person lies somewhere else and not before the Regulatory Authority under the RERA Act. The said view is based on a holistic reading of preamble to the Act and the various provisions which have been analysed above, which clearly point out that the phrase “aggrieved person” in Section 31(1) of the Act would be an allottee, promoter or real estate agent or association of allottees or registered voluntary consumer association. The phrase “aggrieved person” has to be construed in the context and purpose of RERA Act and would encompass a person whose rights as an allottee, promoter or real estate agent or person governed by the Act is infringed. The phrase “aggrieved person” cannot be stretched on harmonious reading of all the provisions of the Act and objective of the Act to mean that any person who alleges violation of various laws by the developer can approach the Regulatory Authority under Section 31(1) of the Act. Rule 6(1) of the Maharashtra Real Estate (Regulation and Development) (Recovery of Interest, Penalty, Compensation, Fine Payable Forms of Complaints etc.) Rules, 2017 also indicates that “aggrieved person” is a person having interest in the project. At the most an unconnected or unrelated person may bring to the notice of the Regulatory Authority the alleged violation and then it is for the said authority to take action based on the information received (which the Appellant claims to have done relying on Circulars issued by the Authority), but that would not bring such a person giving information within the phrase “aggrieved person” for the purpose of Section 31(1) of RERA Act. If such a person is not satisfied with the action taken by the Regulatory Authority then the remedy of such a person would lie somewhere else and not under the RERA Act.

14. Section 31(1) of the RERA Act uses the expression “any aggrieved person”. The word “person” is defined under Section 2(28) but in Section 31(1) the said word “person” is further qualified by “aggrieved”. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceedings unless he satisfies that he falls within the category of

*“aggrieved person”. Only a person who has suffered legal injury can challenge the act/action/order in a Court of law. A “legal right”, means an entitlement arising out of legal rules. The phrase “aggrieved person” used in Section 31(1) of the RERA Act would mean a person who is regulated or governed by the said Act and there is an injury of the right conferred under the said Act. The phrase used in Section 31(1) is “any aggrieved person” and not “any person”. The Appellant is not covered by the RERA Act and therefore he cannot be said to be an “aggrieved person” to take recourse to Section 31(1) of the RERA Act. The Appellant Complainant can at the most lead evidence as witness but he cannot claim the status of an adversarial litigant. The Appellant Complainant cannot be a party to the lis because no legal right is conferred on him by the RERA Act. Thus from the above analysis it is evident that the Appellant having no concern whatsoever cannot be said to have any locus standi to knock the doors of the RERA Act. The Appellant has knocked wrong door by taking recourse to RERA for redressal of his grievances.”*

25. In the facts and circumstances of the present case, the Respondent submitted that the Survey No.189, as alleged by the Complainant to have been encroached upon by the Respondent, is not even part of the development of the Project. Upon verification of the registration details of the Project “Geetika”, it is clearly established that only Sy. Nos. 122,123,148,150 to 162,165 to 169,177 to 183,186 to 188, at RC PURAM, Sangareddy, Telangana have been part of the development which has also been stated in the permission granted by the HMDA dated 04.01.2023. Therefore, this Authority is of the considered opinion that the Complainant and its principals are none but “third-parties” and by virtue of the judgment cited above, the Complainant and its principals cannot be termed as “aggrieved persons”.

26. Further, the Complainant submits that he has filed the Complaint, not to settle civil disputes, i.e., alleged encroachment on the Complainant’s land by the Respondent, but to show this Authority the violations committed by the Respondent of the provisions of the Act, 2016. The first violation claimed by the Complainant is that the Respondent submitted a false Form B declaration and stated to have title

over the entire project land but does not have title to Sy. No.189 which belongs to the Complainant and its principals. Upon verification, as mentioned above, and also considering the submission of the Respondent, it is established that Sy. No.189 is not forming part of the development of the Project which is mentioned in the HMDA permission as well. Mere submission of a satellite images of the land does not adequately establish the encroachment on part of the Respondent which has to be proved before appropriate competent authorities. In such circumstances, it cannot be said that the Respondent is in violation of any provision more so because the Respondent has submitted all the required legal title reports to the Authority at the time of registration to clearly establish its title in the Project.

27. The Complainant has relied upon the cases of *Bar Council of Maharashtra Vs M. V. Dabholkar*, in which the Hon'ble Supreme Court observed that meaning of aggrieved person depends on the context of the statute. In the context of this statute, aggrieved persons are those whose legal rights have been violated under the provisions of the Act, 2016. It is clearly established above that there is no violation in respect of Form B as Sy. No.189, on which the Complainant and its principals claim ownership, is not forming part of the Project, and therefore, he cannot be said to have been aggrieved by this very violation where his legal right is not infringed upon.

28. It is also pertinent to note that the Civil Court of competent jurisdiction, namely the Court of the Family Judge cum VII Additional District and Sessions Judge, Medak, at Sangareddy, in OS No. 116 of 2016, has already taken cognizance of the matter, and the same is presently pending adjudication with respect to the alleged encroachment. Admittedly, no order has been passed by the said Court declaring the alleged encroachment and in the absence of any specific findings to this effect, this Authority cannot delve into the matter at this stage. Furthermore, the identification of encroachment falls within the exclusive domain of the appropriate authorities tasked with such matters, and not this Authority.

29. In light of the observations made above, Point I is answered in negative and the Complainant and its principals are held “not aggrieved persons” under Section 31 of the Act, 2016.

**Point II**

30. As it is established above that the Complainant and its principals are not aggrieved persons, consequentially, all the reliefs claimed for by the Complainant cannot be granted in his favour, and therefore Complaint is liable to be dismissed.

31. However, notwithstanding the dismissal, this Authority notes the allegation regarding the Respondent’s non-compliance with Section 11(1) of the Act, 2016 which mandates promoters to provide quarterly updates on the Project’s progress. The Authority, in its regulatory capacity, will independently examine this matter and take appropriate action against the Respondent should evidence substantiate the Respondent’s failure to comply with this statutory obligation.

32. In lieu thereof, the complaint is dismissed. No order as to costs.

**Sd/-**  
**Sri. K. Srinivas Rao,**  
**Hon’ble Member**  
**TG RERA**

**Sd/-**  
**Sri. Laxmi Naryana Jannu,**  
**Hon’ble Member**  
**TG RERA**

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