

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

COMPLAINT NO.595 OF 2023

7th Day of March, 2024

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

Sri Chakraboina Laxminarayana ...Complainant

Versus

M/s Srias Life Spaces LLP
Represented by its Partner, Sri P. Suresh Reddy ...Respondent

The present matter filed by the Complainant herein came up for hearing on 17.10.2023, 15.11.2023 & 20.12.2023 before this Authority in the presence of the Counsel for Complainant Sri Venkata Rangadas Kanuri, and Counsel for Respondent Sri T. Vijaykumar Reddy & Ms. Preeti Aggarwal, and upon hearing the arguments, 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 "Act") read with Rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the "Rules") requesting appropriate action against the Respondent Builder.

Brief facts of the case:

3. The Complainant submitted that his father Late Chakraboina Ramudu @ Ramaiah was the owner of land to an extent of Ac-8-08 Gts in Sy.No.879 of Medchal

Village and he was a protected tenant and protected tenant certificate was also issued to him on 30.08.1975 under section 38-E of Andhra Pradesh (Telangana) Tenancy and Agricultural Land Acts. It is submitted that some encroachers by creating bogus documents obtained *pattadar* passbooks.

4. He submitted that the Respondent had submitted proposals for approval of a layout without mentioning the details of the Complainant in the title records and obtained a layout approval from HMDA and that the Respondent has purchased the land from the bogus *pattadars* and making a layout and selling the plots without proper title deed. In lieu thereof, he prayed that appropriate action be taken against the Respondent and protect the interest of the customers.

Reply by the Respondent:

5. *Per contra*, Vide reply dated 14.09.2023, the Respondent submitted that he has not been provided copies the documents listed/referred to in the Complaint. While reserving its right to submit a detailed response after obtaining the said documents, the Respondent submitted that Complaint pertains to title-related dispute and therefore, RERA does not have jurisdiction to entertain the same. That all title related disputes have to be agitated and resolved before the competent forum like Civil court and not before RERA.

6. The Respondent submitted that the alleged title of the Complainant to the subject property i.e., Sy. No. 879 of Medchal-Malkajgiri District is also *Sub- Judice* and *lis-pendens*, the Complainant's title is also disputed and yet to be declared by a competent forum like Civil court. Further, the Complainant is neither a consumer/allottee of the Project nor an association of allottees or any voluntary consumer association registered under any law for the time being in force and that

therefore, the Complainant has no Locus Standi to file the Complaint before this Authority.

7. The Respondent submitted that the Complaint filed by the Complainant is liable to be dismissed for not being filed in prescribed format, for not elucidating as to which legal provisions of RERA Act and Rules are violated, for want of prayer and specific reliefs. That the relief sought by the Complainant is very vague and ambiguous and cannot be ordered or enforced. In lieu thereof, the Respondent prayed that the Complaint be dismissed.

Hearing Conducted:

8. During the course of hearing, the Complainant reiterated the contents of his Complaint and also submitted that HMDA is pursuing the complaint filed by the Complainant herein and the matter is pending adjudication. This Authority directed the parties to file a memo submitting as to the status of the said HMDA complaint filed by the Complainant.

9. Consequently, vide Memo dated 15.11.2023, the Respondent submitted that, in pursuance of the order/directions of Hon'ble High Court for the State of Telangana in W.P. No. 43097 of 2022 dated 13.12.2022, the HMDA has issued a Show Cause Notice dated 23.12.2022 in Notice/File No. 43097 of 2022/Medchal/Plg/HMDA to the Respondent to submit explanation to HMDA within seven (7) days. In response thereto, the Respondent has submitted its detailed Reply dated 02.01.2023 to HMDA. Further, the HMDA has not passed any order in this regard as the nature of dispute between parties is a civil dispute and also because the subject matter is sub-judice in A.S. No. 110 of 2023 before the Hon'ble High Court for the State of Telangana at Hyderabad.

10. Vide Memo dated 27.12.2023, the Complainant submitted a copy of the proceedings bearing Lr. No.2506/MED/PLG/HMDA/2022 dated 21.12.2023 issued by the HMDA, whereby it has ordered that the permission issued to M/s Srias Life Spaces LLP vide Proc. No.1064/MED/PLG/HMDA/2022 dated 26.08.2022 is kept in hold until the issues with regard to the O.S. No.18/2020 are resolved.

Observations and Directions of the Authority:

11. Upon consideration of the facts and circumstances, it is clear that the Complainant, vide Final Judgment dated 26.08.2020 in OS No.18/2020 has been declared as the legal heir of Late Sri Chakraboina Ramudu. Upon filing of W.P. No. 43097 of 2022, the Hon'ble High Court of Telangana vide Order dated 13.12.2022, directed HMDA to consider the representation of the Complainant and pass orders accordingly. Accordingly, vide Lr.No.2506/MED/PLG/HMDA/2022 dated 21.12.2023, the HMDA kept the permission granted to the Respondent vide Proc. No.1064/MED/PLG/HMDA/2022 dated 26.08.2022 on hold until the issue with respect to the title of the land is resolved.

12. Without going in to the merits of the matter, as the HMDA permission granted to the Respondent vide Proc. No.1064/MED/PLG/HMDA/2022 dated 26.08.2022 is kept on hold, this Authority, while exercising its powers under Section 37 and while prioritizing the welfare & interests of the Project's allottees, deems it fit to direct the Respondent to intimate the allottees of the said abeyance Order by HMDA vide Lr.No.2506/MED/PLG/HMDA/2022 dated 21.12.2023 and also to display a Notice to this effect at the Project site. The Respondent is also directed to submit a compliance report of the said intimation within 60 days.

13. Furthermore, the Respondent is made aware that, as per Section 18(2), he shall compensate the allottees in case of any loss caused to the said allottees due to defective title of the land, on which the project is being developed upon appropriate application being filed by such allottees.

14. In lieu thereof, the present Complaint stands disposed of. Parties are hereby informed that non-compliance of the orders of this Authority shall attract penalty under Section 63 of Act, 2016.

15. 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 Telangana 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) as per Section 44 of the Act, 2016.

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

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

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