

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

COMPLAINT NO.676 OF 2022

28th 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 R. Anil Kumar

...Complainant

Versus

1. Sri Mohammed Ameeruddin
2. M/s Speed Ventures
Represented by its Managing Director ...Respondents

The present matter filed by the Complainant herein came up for hearing on 26.09.2023, 01.11.2023, 19.12.2023 and 30.01.2024, before this Authority in the presence of the Counsel for Complainant, Sri Mahesh and Counsel for Respondent No.2, Sri A Rajendra Prasad and none for Respondent No.1, and upon hearing the arguments of both the 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 read with Rule (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 Respondents.

A. Brief facts on behalf of the Complainant:

3. The Complainant submitted that the Complainant is the absolute owner and possessor of the four plots of land, each admeasuring about 432.32 Sq. Yds & three plots of land each admeasuring about 511.11 Sq. Yds, totally admeasuring about 3,265.81 Sq. Yds, out of the total extent of land admeasuring about Ac. 3-00 gts in Survey No 40/3/2 situated at Jadcherla Village & Mandal Mahbubnagar District Telangana state, by virtue of a registered sale deed bearing document No. 3774/2018 to 3777/2018 all dated 13.03.2018 and also documents bearing No.5945/2018 to 5947/2018 all dated 28.03.2018, executed by the First Respondent i.e., Mohd Ameeruddin. That ever since the said purchase, the Complainant is in peaceful possession and enjoyment of the property without any let or hindrance from anyone in whatsoever manner.

4. That originally, one Sri Ahmadullah S/o Md. Saifullah, was the *pattedar* and possessor of the agricultural land admeasuring about Ac-3-00 gts in survey No 40/5/2, situated at Jadcherla Village & Mandal Mahbubnagar District Telangana state and he was also issued *patta* passbook by the revenue authorities. That the said Sri Ahmadullah sold the total extent of Ac 3-00 gts to Respondent No.1 i.e., Mohd Ameeruddin, by virtue of a registered sale deed document bearing No. 4108/2017 dated 28.03.2017. Subsequent to the said purchase, the said Respondent sold the said plots of land to the Complainant, by receiving valuable sale consideration through the above-mentioned sale deeds and also delivered possession to the Complainant to that effect.

5. That when the Complainant tried to visit the Plots purchased by him, he came to know that the first respondent, i.e., Mohd. Ameeruddin in collusion with second respondent i.e., M/s Speed Ventures are developing the total land in the said survey number into a residential layout, with a view to sell the same to the

general public, by suppressing the ownership of the Complainant and execution of sale deeds in his favour to an extent of 3,265.81 Sq. yds. He learnt that Respondents executed Development Agreement cum GPA document bearing No. 5703/2020 dated 11.03.2020, wherein the Respondent No.1 had entrusted the total extent of Ac 3-00 gts in survey No 40/2/2, of Jadcherla village and Mandal Mahbub Nagar District to M/s Speed Ventures for developing the same into a layout, which is highly illegal, malafide and untenable in law. He submitted that the Respondent subsequently obtained DTCP permission and RERA registration bearing No. P01400004124.

6. That the Complainant has filed 7 civil suits seeking declaration of Development agreement cum GPA vide O.S No 277/2022 to 283/2022 on the file of the I Addl. Junior Civil Judge, Mahboob Nagar, at Jadcherla and the same are pending adjudication. Accordingly, he prayed to conduct inquiry into the matter and initiate appropriate action such as revocation of Registration of Project, in respect of the land in survey No. 40/3/2 of Jadcherla village and Mandal Mahbub Nagar District.

B. Reply on behalf of the Respondent:

7. The Respondent No.1, upon Notice served on 20.11.2023 failed to enter appearance before this Authority on 19.12.2023, hence has been set *ex-parte* on 19.12.2023. Respondent No.2, vide its Reply dated 30.01.2024 submitted that the Complaint pertains to declaration of his title over certain open land plots and restoration of Complainant's possession over which he alleged to have lost the same and alleged to have bought the said open land plots from the Respondent No.1.

8. He submitted that Complainant had filed 7 Civil Suits before Hon'ble I Addl Junior Civil Judge, Jadcharla against the Respondents herein, for declaration of his title and recovery of possession of 7 open land plots alleged to have bought from Respondent No.1 and occupied in the Lay-out developed by Respondent No.2 and the said 7 Civil suits are contested by Respondents 1 & 2 separately and pending for the trail and no interim orders have been passed. That as far as the development of lay-out is concerned, all the developmental amenities construction have been completed.

9. The Respondent No.2 submitted that the Complaint does not disclose as to which section/rule under the Act, 2016 is violated by the Respondent No.2 and the matters raised by Complainant are purely Civil nature of Litigation falling under the Jurisdiction of Civil Courts which this Hon'ble Authority is lacking and that the Complainant had not put forth any grounds for invoking the jurisdiction of this Authority and hence, prayed that the Complaint be dismissed.

C. Observations and directions of the Authority

10. This Authority observes that the present matter is a civil dispute amongst the parties wherein the Complainants seek to establish their title over the subject lands. For the same, the Complainants, admittedly, have approached appropriate forum where the matter is pending without passing any interim orders in O.S No 277/2022 to 283/2022 on the file of the I Addl. Junior Civil Judge, Mahboob Nagar, at Jadcherla and the same are pending adjudication.

11. As per Rule 14(1)(a)(iii), the promoter is obligated to disclose details of litigation in the past five years in relation to the real estate projects being developed by the promoter. The date of filing of the No 277/2022 to 283/2022 on the file of the I Addl. Junior Civil Judge, Mahboob Nagar, at Jadcherla is 22.08.2022

whereas, the RERA Registration was granted to the Project on 15.02.2022 i.e., prior to filing of the suit by the Complainant. As the litigation was filed subsequent to the RERA Registration, there is no violation of Rule 14(1)(a)(iii) of the Rules, 2017. Therefore, in order to caution the allottees, Respondent No.2 is directed to display the pendency of such litigation, on the TS RERA website within 15 days failing which, appropriate action under Section 63 will be initiated against the Respondent.

12. In such circumstances, as the dispute between the parties is pending adjudication before competent civil court, this Authority is of the opinion that it has no jurisdiction to delve into the intricacies of such litigation. Furthermore, it is observed that in the absence of any order by the appropriate forum confirming the right, title or and interest of the Complainant over the subject land, this Authority cannot pass any orders with respect to the reliefs prayed for by the Complainants. In lieu thereof, the present Complaint stands disposed of.

13. 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) in accordance with Section 44 of the Act, 2016.

Sd/-

Sd/-

Sd/-

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

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Sri Laxmi Narayana Jannu,
Hon'ble Member,
TS RERA

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