

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

COMPLAINT NO.1469 OF 2023

24th Day of April, 2024

Corum: Sri K. Srinivasa Rao, Hon'ble Member
Sri Laxmi Narayana Jannu, Hon'ble Member

Dr. K. Sachidananda

...Complainant

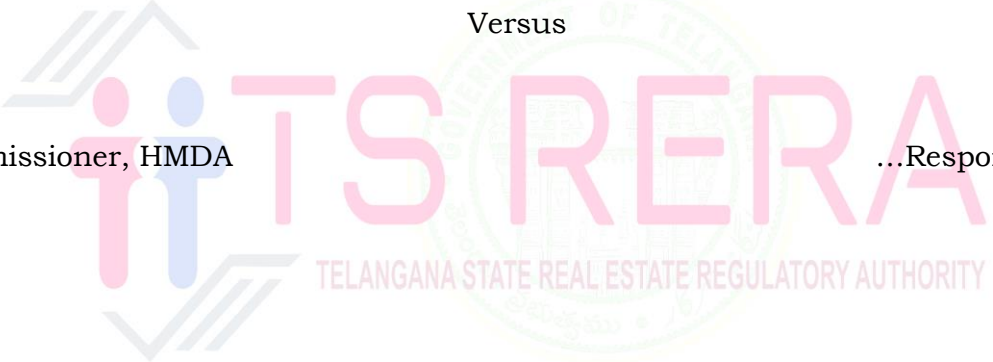
Commissioner, HMDA

Versus

TS RERA

...Respondent

TELANGANA STATE REAL ESTATE REGULATORY AUTHORITY



The present matter filed by the Complainant herein came up for hearing on 19.03.2024 before this Authority in the presence of the Complainant in person 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 not to approve RERA registration in favour of M/s CVR Constructions.

Brief facts of the case:

3. The Complainant submitted that as per the Family Partition Deed Doc. No. 2352 of 2019, Sri Dasari Sadasiva Reddy got 1951 Sq. Yards out of Sy. No. 13 and 14 of Jillelaguda Village, Balapur Mandal, R.R. Dist. Subsequently Sri Dasari Sadasiva Reddy made multiple Sale Deeds in favour of M/s CVR Construction represented by Managing Partner, Sri Chejet Srinivas Reddy and Sri Varla Anil Kumar and gifted a portion of the land to his wife Smt. Dasari Naveena. Subsequently M/s CVR Constructions sold portion of the land to Smt. Dasari Naveena.

4. That thereafter, Sri Mohd. Khaja released mortgaged house of Sri Dasari Sadasiva Reddy from Union Bank and sold it to M/s CVR Construction which is mentioned as Plot No. 52 (there is no lay out which is mentioned wrongly). Out of all Sale Deeds, Total Land in 2099 Sq. Yards which is mentioned in above Sale Deeds are in Sy. No. 13, 14, 13 part, 22 part and 23 part. All the Sale Deeds are within the boundary plan of Sri Dasari Sadasiva Reddy's portion of partition deed. As per the partition deed, area should be 1951 Sq. Yards part of Sy. No. 13 and 14 of Jillelaguda Village.

5. That later on Smt. Dasari Naveena made Development Agreement with M/s CVR Constructions which inturn submitted building development plan with application No. 007253/BP/HMDA/1567/SMD/2023 on 25.06.2023 before HMDA.

He submitted that there is a Civil Suit pending in 2nd Addl. Dist. Judge R.R. Dist. Court regarding above mentioned land and that the Complainant already submitted a complaint dated 04.06.2022 before the HMDA not to grant any conversion or construction permission in Sy. No. 12 & 13 part, part of Jillelaguda Village.

6. He submitted that HMDA approved construction permission to M/s CVR Constructions vide Application No. 007253/BP/ HMDA/1567/SMD/2023 on 07.07.2023 and forwarded to Meerpet Municipality on 19.07.2023. That as per the partition deed Sri Dasari Sadasiva Reddy owns 1971 Sq. Yards in Sy. No. 13 & 14. Approved plan is for 2099 Sq. Yards and in Sy. No. 13, 14 13 part and 22 and Sy. No. 23 part (which is mentioned in Sale Deeds but not mentioned in the approved plan). HMDA Authorities have not examined partition deed and Multiple Sale Deeds thoroughly and granted construction permission to M/s CVR Constructions. He submitted, that in this regard, the Complainant filed Civil Suit bearing OS No.308/2022 & WP No.20253/2023 which are pending adjudication. Therefore, the Complainant prayed not to grant TS RERA registration to the building plan approved by HMDA vide Application No.007253/BP/HMDA/1567/SMD/2023 on 19.07.2023.

Observations and Directions of the Authority:

7. This Authority has perused the material on record. Appropriate party i.e., M/s CVR Constructions has not been made as a party Respondent in the present matter. However, upon verification, it is evident that the M/s CVR Constructions is registered with TS RERA for its Project titled “CSR Classic” bearing Rgn. No.P02400007388.

8. The Complainant submits that Civil Suit bearing OS No.308/2022 before Ranga Reddy Dist. Court and WP No.20253/2023 before Hon’ble High Court are pending adjudication before the respective courts but has not submitted a copy of the petitions so filed to verify as to whether the Suit and the Writ pertain relate to the same parcel of land that is under development by M/s CVR Constructions

bearing Rgn. No.P02400007388. Hence, no action can be taken by this Authority regarding the said contention.

9. Further, the Complainant has failed to establish his vested interest in the said property, whether he is in a position of a landowner, investor or the developer and how he is aggrieved with the Project. He simply brought to the notice of the Authority that the land primarily belonged to Sri Dasari Sadasiva Reddy, who subsequently, gave the said piece of land to M/s CVR Constructions for development. There is no explanation as to how he has the *locus standi* to file the present case.

10. This Authority also observes that the relief sought for by the Complainant i.e., not to grant TS RERA registration to the building plan approved by HMDA vide Application No.007253/BP/HMDA/1567/SMD/2023 on 19.07.2023 is infructuous as this Authority, on the basis of the documents so filed by M/s CVR Constructions and after due verification, has already registered the Project vide Rgn. No.P02400007388. Accordingly, considering the aforementioned circumstances, since the relief sought is infructuous and the Complainant has no locus to bring forth the present grievance, the present Complaint is hereby dismissed.

Sd/-

Sd/-

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

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