

**BEFORE THE
TELANGANA STATE REAL ESTATE REGULATORY
AUTHORITY, HYDERABAD**

COMPLAINT NO.757/2023/TSRERA

Dated: 27th September 2023

Sri Donthineni Yadagiri Rao

....Complainant

Versus

- 1. M/s HSR Venutures Pvt Ltd.**
- 2. Commissioner GHMC**
- 3. District collector, Ranga Reddy District**
- 4. Asst. Director, Survey and Land Records**
- 5. Commissioner & IG**
- 6. Tahsildar**

....Respondents

Quorum: Dr.N.Satyanarayana IAS (Rtd), Hon'ble Chairperson
Sri. K. Srinivas Rao, Hon'ble Member
Sri. Laxmi Naryana Jannu, Hon'ble Member

Appearance: This case came up for a hearing on 11th October 2023 before this Authority, None appeared on behalf of the Complainant whereas, of the Respondent party present in person. After hearing the submissions made by the parties, the Authority passed the following order.

ORDER

This order is issued to address the complaint filed before this authority under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as the "Act"), in conjunction with Rule 34(1) of the Telangana Real Estate (Regulation and Development) Rules, 2017 (hereinafter referred to as the "Rules"). The complaint revolves around a title land dispute.

A. Facts of the Complaint:

2. The complainant alleges that M/s HSR Ventures Pvt. Ltd. is committing frauds and irregularities by obtaining permits for non-existent survey

numbers against the law and regulations. It is claimed that for their HSR ARC AND HSR RAMACHANDRA MANOR Project, HSR Ventures Pvt. Ltd. obtained GHMC Building Permit No. 53495/HO/EZ/Cir-3/2016, dated 09-07-2018 in respect of the land in Survey No.57/I of Karmanghat Village, Saroornagar Mandal, Ranga Reddy District. However, it is pointed out that the project has been registered with this authority in respect of the land in Survey No.57/1(One) of Karmanghat Village, Saroornagar Mandal, Ranga Reddy District, which is inconsistent with the GHMC permit. This is alleged to be against the provisions of the Real Estate (Regulation and Development) Act and Rules.

3. It is further alleged that HSR Ventures Pvt. Ltd. submitted records before GHMC in respect of the land in Survey No.57/I of Karmanghat Village, Saroornagar Mandal, Ranga Reddy District. However, the documents related to HSR ARC AND HSR RAMACHANDRA MANOR project mentioned Survey No.57/1(One) instead of Survey No.57/I, which is said to be illegal as per GOMS No. 168, MA & UD Department dated 07.04.2021 building rule 26(h), implying that HSR Ventures Pvt. Ltd. committed fraud.

4. The complainant asserts that the Pahani records of Karmanghat Village from 1954 to 2022 at the Saroornagar Tahsil Office do not mention Survey No.57/1(One). After sub-dividing the land in Survey No.57 in Karmanghat village, Pahani records have been recorded mentioning survey numbers 57/A to 57/V, but no record has been recorded mentioning Survey No.57/1(One). The complainant claims that registration under Section 5 of the RERA office for the non-existent Survey No.57/1(One) is against the provisions of the Real Estate (Regulation and Development) Act and is illegal.

5. Additionally, it is alleged that HSR Ventures Pvt Ltd. is not undertaking project construction in Survey No. 57 of Karmanghat Village but is occupying government ceiling surplus land in Survey No. 58 and carrying out construction. This is viewed as deceiving the buyers by showing the approvals given by GHMC & RERA in survey no.57 for the constructions being done in survey no.58. The complainant claims to have filed complaints with the District Collector Ranga Reddy District and Commissioner &

Director Survey, seeking action against Mandal Surveyor for submitting a wrong report in collaboration with HSR Ventures Pvt Ltd.

B. Relief(s) sought:

6. The Complainant has sought the following relief(s):
 - a) In view of the facts mentioned above, The Authority may be pleased to cancel the registration granted to HSR Ventures Pvt Ltd Vide RERA registration number P02400000088 dated 19.12.2018.
 - b) Direct the respondent No.1 to stop the construction works.
 - c) Direct the Respondent No.2 to cancel the Building permission vide permit No. 53495/HO/EZ/Circle/3/2016 dated 09.07.2018.
 - d) Direct the Respondent No.3 to direct the Respondent No.4 to survey the complaint Schedule Property.
 - e) Direct the Respondent No.5 to not to entertain any registrations of complaint Schedule Property i.e. Survey No.57/1(One), Karmanghat village, Saroornagar Mandal, Ranga Reddy District.

C. Reply from the Respondent:

7. In response to the complaint and the subsequent show-cause notice issued by the Authority, M/s HSR Ventures Pvt Ltd. has submitted their reply, as follows:

1. M/s HSR Ventures Pvt Ltd. contends that the land to an extent of Ac.3.00 in Sy.No.57/Part in Karmanghat Village, Saroornagar Mandal, Ranga Reddy District, is owned and possessed by the owners Putta Srilatha, Putta Raghuram Reddy, and P. Venugopal Reddy. They assert that the land was duly surveyed and demarcated by the Mandal Surveyor in the year 2015, and appropriate building permits were obtained from GHMC for the development.
2. The respondents state that the complainant, Sri Yadagiri Rao, has no direct or contractual relationship with the subject property under development. They argue that Yadagiri Rao lacks locus standi to complain about private property and that he cannot be considered an aggrieved

person eligible to lodge a complaint with the Authority under Section 31 of the RERA Act.

3. It is further noted that prior to filing the complaint with RERA, the complainant approached GHMC and the Commissioner, GHMC, who subsequently addressed the Collector, Ranga Reddy District, for information regarding the land under development. The Additional Collector, Ranga Reddy District, reported that the subject land falls under Survey No.57/Part. GHMC subsequently rejected the complainant's complaint.

4. M/s HSR Ventures Pvt Ltd. contends that the complainant's actions seem to be motivated by financial gain, as he has lodged complaints without supporting documents or evidence to substantiate his allegations.

6. In light of the above, the respondents request that the Authority dismiss the complaint filed by Sri Yadagiri Rao and drop the Notice and Show Cause Notice issued to them.

D. Hearing Conducted

8. The matter came up for a hearing before this Authority on 27.09.2023, wherein none appeared on behalf of the Complainant and Respondent Company was represented by its Managing Director.

9. During the hearing, the Respondent submitted that the said Complainant is neither a allottee nor a Land owner. The complainant is nowhere connected to the said project. The complainant has made several bogus complaints against the Respondent company for the said project in where one of the complaints were made to the GHMC, and the result of such complaint was that the said land as per the District collector vide letter no. LP/5101/2021. Dt. 20.07.2022 the disputed site is falling in sy. No 57 of Karmanghat Village.

E. Directions of this Authority:

10. Based on the information provided, the Authority has determined that the Complaint in question does not satisfy the criteria for classification as an "aggrieved person" as stipulated in the 2016 Act. This determination is based on the fact that the Complainant does not fall into any of the specified categories, which include being an allottee, an association of allottees, or a voluntary association. As a result, the

Complainant does not meet the definition of an aggrieved person as defined in Section 31 of the RERA Act. Section 31 is reproduced as herein under:

31. (1) 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.

Explanation. —For the purpose of this sub-section “person” shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force.

11. So, in the view of the provisions of the Act quoted above, due to lack of *locus standi* of the complainant to submit the current application under Section 31 of the RERA Act, the present complaint is dismissed.
12. 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 Telanagana 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) within 60 days from the receipt of this Order.
13. The case file shall be duly archived within the Registry for record-keeping purposes.

Sd/-

**Sri. K. Srinivas Rao, Hon’ble Member
TS RERA**

Sd/-

**Sri. Laxmi NaryanaJannu, Hon’ble Member
TS RERA**

Sd/-

**Dr.N.Satyanarayana ,IAS (Rtd, Hon’ble Chairperson
TS RERA**