

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

**3<sup>rd</sup> Day of October, 2023**

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

**Complaint No.64 of 2023**

Smt. P. Bhagyamma

...Complainant

Versus

1. Sri Gummadi Goutham Reddy
2. M/s Indis Villa Development Pvt. Ltd.  
Rep. through Sri Soma Jagan Mohan Reddy ...Respondents

**Complaint No.88 of 2023**

Sri Gummadi Sudharshan Reddy ...Complainant

Versus

1. Sri Gummadi Goutham Reddy
2. M/s Indis Villa Development Pvt. Ltd.  
Rep. through Sri Soma Jagan Mohan Reddy ...Respondents



The present matter filed by the Complainant herein came up for hearing on 03.10.2023 before this Authority in the presence of parties in person and the Authorised Representative of the Respondent Builder and upon hearing the arguments of the parties, this Authority passes the following **ORDER:**

2. The present Complaints have 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").

**A. Facts of the Complaint:**

2. The Complainants submit that the Respondents by misrepresenting facts have obtained layout permission vide No.3296/GHMC/KPL/2022-LO, dated 21.09.2022 in respect of the land admeasuring 32627 sq yds in Sy. No.83 part and 84 part situated at Turkapally Village, Alwal Mandal, Medchal-Malkajgiri District.

3. She submitted that the Respondents sought to develop land as mentioned above which is adjacent to the plot in which Complainants have peaceful possession since 2012 through a final decree of the court. Further, the GHMC gave layout permission however the Respondent Builder is not complying with GOMs No.168 dated 07.04.2012 as the access road is not as per measurements required under the said GOMs. Aggrieved, she prayed to cancel the application No. REA02400049664 applied by the Respondent No.2 Builder for development of its Project titled “Myra Villas” and also to cancel the housing permit granted by the GHMC.

**B. Reply on behalf of the Respondents:**

3. Accordingly, a Notice dated 06.03.2023 was issued to the Respondents directing them to submit a reply to the said Complaint in accordance with Rule 34(1) & (2) of the Rules, 2017. And vide Reply dated 23.03.2023, the Respondents submitted that the Complaint is misconceived and that the Complainants have approached this Authority with unclean hands. They further submitted that Complainants never accessed their own property i.e., Sy. No.85/AA of Turkapally Village from the land belonging to G Gautham and G Ram Reddy which is now being developed by the respondent.

4. Respondent’s land has distinct access and the Complainants historically have been accessing their property from another pathway through neighboring lands.

Respondent's property is clearly demarcated with specified boundaries and that the GOMs No.168 dated 07.04.2012 has been strictly followed as no pathway has been disturbed. He also brought to the notice of this Authority that Complainants have filed WP No.1403/2023 against GHMC and the Respondent for cancellation of layout permission and the same is pending consideration.

**C. Observations and Directions of the Authority:**

5. Accordingly, hearing was conducted on 03.10.2023, wherein the Complainant and the Respondents through Authorized Representative were present, and they reiterated the contents of the Complaint and the Reply, respectively and prayed for the relief to be granted.

6. At the onset, it is stated that One of the main purposes of this legislation is to support and safeguard the interests of end consumers within the real estate sector, particularly in light of the increasing prevalence of fraudulent practices employed by builders. It is clear that the matter pertains to illegal construction and non-compliance of GOMs No.168 dated 07.04.2012, which does not fall under the jurisdiction of this Authority. Further, as the Hon'ble High Court is already seized of the matter vide WP No.1403/2023 filed by the Complainant herein, the Complainant is directed to agitate the relief before the Hon'ble High Court.

7. In lieu of the above-mentioned directions, the present complaint stands disposed of. The parties are hereby informed that failure to comply with this Order shall attract Section 63 of the Act.

8. 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) within 60 days from the date of receipt of this Order.

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

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

**Sd/-  
Dr. N. Satyanarayana, Hon'ble Chairperson**

