

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

COMPLAINT NO.475/2023/TSRERA

**Dated: 12<sup>th</sup> October 2023**

**Smt. Mahamooda Begum**

**.... Complainant**

**Versus**

**M/s Vertex Constructions**

**.... Respondents**

**Quorum:**

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

Sri. Laxmi Naryana Jannu, Hon'ble Member

Sri. K. Srinivas Rao, , Hon'ble Member

**Appearance:**

This case came up for a hearing on 11th October 2023. The Complainant was present in person, along with counsel. However, none appeared on behalf of the Respondent. After hearing the submissions made by the party, the Authority passes 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 pertains to a title land dispute, and concurrently, the complainant has also approached the Civil Court seeking similar relief.

2. The Complainant has submitted that M/s Vertex Constructions have submitted a building plan to GHMC for proposed constructions in S. No. 80 Hyderanagar, measuring an extent of Ac. 4-00 gts. Out of this, Ac. 2-00 gts. is claimed to belong to the Complainant and her husband's brother, inherited from their father-in-law as successors of the above said property. The

Complainant further asserts that no agreement of sale or sale deed has been executed in favor of M/s Vertex Constructions or any other party at any point in time. A family partition suit is pending for passing final decree proceedings for partition of the shares of the property. The Complainant has also mentioned ongoing legal disputes and injunction orders.

3. The Complainant raises concerns about M/s Vertex Constructions submitting documents to GHMC for the title of the property as per the RERA Act and Rules. The Complainant requests verification of the documents submitted by M/s Vertex Constructions before granting permission for the registration of their project related to the disputed property.

4. During the hearing held on 11.10.2023, the Learned Counsels for the Complainant reiterated the allegations made in the written submissions. However the Learned counsel for the complainant was unable to convince the Authority that a title dispute concerning land encroachment, falls within the jurisdiction of this Authority. This Authority's jurisdiction extends only to inter se disputes between the promoter and allottee. In cases of such disputes, the complainants can seek recourse with the civil court. It is not denied that the disputed matter is already pending before the competent authority between the present complainants and the Respondent. Therefore, if the complainants perceive any form of illegal activity on the part of the Respondent regarding their right to develop the Real Estate project, they can seek redress from the Civil Court or the Appropriate Authority. This Authority observes that the Counsel for the Complainant failed to provide any form of evidence or information that would satisfy the criteria for classification as an 'aggrieved person' as stipulated in the 2016 Act. Consequently, the Complainant does not meet the definition of an aggrieved person as defined in Section 31 of the RERA Act. Section 31 is reproduced below:

*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.*

5. Given the ongoing civil litigation and the nature of the dispute, this authority is of the view that it lacks jurisdiction to adjudicate the matter at this stage. The complainant's claims are intertwined with the civil proceedings, and it is only appropriate for the civil court to decide on the ownership and possession of the property.

6. In light of the above, this authority hereby dismisses the complaint filed by Complainant on the grounds of lack of jurisdiction and refers the parties to pursue their claims through the appropriate civil court. This dismissal is without prejudice to any rights the parties may have in the civil proceedings.

7. 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.

Sd/-

**Sri. K. Srinivas Rao, Hon'ble Member**

**TS RERA**

Sd/-

**Sri. Laxmi NaryanaJannu, Hon'ble Member**

**TS RERA**

Sd/-

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

**TS RERA**