

5. On February 21, 2023, during an inspection of his land, the Complainant discovered that the fencing delineating the boundaries of his plot had been removed by the Respondents. Furthermore, it was observed that the Respondents had encroached upon the plot.

The Respondents have purportedly been endeavoring to obtain DTCP (Directorate of Town and Country Planning) layout permission for the disputed area. In response, the Complainant initiated legal proceedings in the Hon'ble Civil Court, identified as OS.no. 359/2022, concerning this matter. As of the present, the case is pending before the said court.

6. It is observed by this Authority, operating under the purview of the RERD Act, the present complaint lacks the jurisdiction to adjudicate upon disputes related to land encroachment. Nonetheless, the Authority acknowledges that the Complainant should address his concerns regarding his rights with the Directorate of Town and Country Planning (DTCP Telangana). The Complainant has informed the Bench that the same dispute has already been brought before the Civil court (OS No. 359/2022) and that he has obtained injunction orders preventing the Respondents from occupying the plot. However, the matter is still pending before the civil court. This Authority is of the view that its jurisdiction extends solely to safeguard the interests of the Project and the interests of the allottees. Hence, the present complaint is, prima facie, not maintainable before this Authority, as the Complainant does not qualify as either an allottee or a promoter/landowner but rather as a concerned neighbor with respect to the issue of land encroachment.

7. During the hearings held on 04th October 2023 and 02nd November 2023, the Complainant was unable to establish that a dispute involving land encroachment falls within the purview of this Authority. The Authority's jurisdiction is confined to addressing disputes between promoters and allottees. In instances of such disputes, Complainants are advised to seek redress through the Civil Court or other competent sanctioned authorities. It is acknowledged that the disputed matter is already under consideration by the Civil Court between the present Complainant and the Respondents.

8. The present Complaint does not fulfill the criteria for classification as an "aggrieved person" as prescribed by the provisions of the 2016 Act. This determination is based on the fact that the Complainant does not fall within any of the specified categories outlined in the Act, which encompass being an allottee, an association of allottees, or a voluntary consumer association. In this instance, the Complainant has been unable to provide the Authority with any supporting evidence or an authorization letter demonstrating their qualification as an aggrieved person in accordance with the definition articulated in Section 31 of the RERD Act. Section 31 is reproduced herein for reference:

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.

9. In light of the aforementioned perspective, the Authority concludes that the present complaint is not maintainable, and accordingly, it is dismissed.

Sd/-

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

Sd/-

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

Sd/-

**Dr.N.Satyanarayana, Hon'ble Chairperson
TS RERA**