

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

COMPLAINT NO.133/2022/TSRERA

Date of decision: 17.08.2023

Sri E Bhagyamma

....Complainant

Versus

M/s Sai Jyoti Constructions

....Respondents

Quorum:

Dr.N.Satyanarayana, Hon'ble Chairperson
Sri. K. Srinivas Rao, , Hon'ble Member
Sri. Laxmi Naryana Jannu, Hon'ble Member

Appearance:

Complainant: Represented by Sri.Suresh
Respondent: None appeared for Respondent

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, and concurrently, the complainant has also approached the Hon'ble Civil Court seeking similar relief.

2. The said complaint, filed in Form M, requests for the cancellation of TSRERA registration granted to the Respondent Company. Allegations include the respondent's failure to disclose pertinent facts and the suppression of ongoing legal proceedings, thereby deceiving prospective buyers and violating the Regulations established under the Real Estate Regulation and Development Act, 2016.

A. Facts of the Complaint:

1. The complainant has presented the following facts:

- 1.) The disputed land, measuring Ac.2-03 Gts in Survey No. 173, Ac.1-38 Gts in Survey No. 174, Ac.1-02 Gts in Survey No. 175, Ac.15-30 Gts in Survey No. 176, and Ac.9-15 Gts in Survey No. 177, situated at Kondapur Village, Serilingampally Mandal, Ranga Reddy District, originally belonged to protected tenants, including her late father, Golla Papaiah @ P. Papaiah.
- 2.) Certain male family members sold a portion of the land (Ac.5-25 Gts) without the consent of female members. This prompted the complainant to demand a partition of her rightful share.
- 3.) Moreover, the respondent entered into a development agreement for a portion of the land with other parties and initiated construction activities on it.
- 4.) In light of these circumstances, the complainant filed a partition suit (O.S.No. 1036 of 2021) currently pending before the Hon'ble II Additional Senior Civil Judge, Ranga Reddy District. Importantly, the respondent concealed the ongoing legal dispute and secured registration for the "SAI KEERTHI SIGNATURE" project without disclosing these complications.
- 5.) Subsequently, a notice (No. 133/2022/TSRERA) was dispatched to the Respondent on 28.04.2022, by the Authority, mandating them to provide a response or pertinent information as per Rule 34(1) and (2) of the Rules, 2017.

B. Response by Respondent:

2. In counter, the Respondent submitted a written reply dated 19.05.2022:
 - I. The Respondent contends that the complainant lacks standing to file a complaint under the RERA Act, as she is neither the owner nor Pattadar of the subject land. As per the Respondent, she does not qualify as an "aggrieved person" under Section 31 of the Act.
 - II. The Respondent asserts that the dispute is civil in nature, and the complainant herself initiated a suit (O.S.No. 1036 of 2021) before a competent civil court, which is presently pending adjudication.
 - III. The Respondent maintains that the competent Authority has granted construction permissions for land sy.no.176, where the Respondent

company is carrying out constructions. Consequently, the permissions from the Competent Authority fall beyond the scope of the RERA Act.

- IV. The Respondent also disputes the entitlement of the complainant to the reliefs sought in the Complaint. They argue that the present Complaint replicates the subject matter of the aforementioned suit filed by the complainant before the Hon'ble II Additional Senior Civil Judge, Ranga Reddy District, now renumbered as O.S.1036 of 2021. The Respondent further claims that the complainant was never in possession of the plots in question and that the complaint is based on false and malicious intent.

C. Hearing Conducted

3. The matter came up for a hearing before this Authority on 17.08.2023, with the complainant's representative present, while none appeared on behalf of the respondents.
4. During the hearing, the complainant's authorized representative conveyed that the matter is pending before the Hon'ble II Additional Senior Civil Judge, Ranga Reddy District, at Kukatpally.

D. Directions of this Authority:

5. 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. Instead, the Complainant is solely a landowner with concerns regarding the ownership of the said land. 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.

6. 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.
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.
8. The case file shall be duly archived within the Registry for record-keeping purposes



TS RERA

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