

TELANGANA REAL ESTATE APPELLATE TRIBUNAL: HYDERABAD

Krishna Block, First Floor, Dr. MCR HRDI Campus, Road No.25, MP & MLA's colony, Jubilee Hills, Hyderabad-500 033.

CORAM: Hon'ble Sri Justice A. Santhosh Reddy, Chairperson.
Hon'ble Sri P. Pradeep Kumar Reddy, Judicial Member.

T.A.No. 65 of 2025

Between:

1. N.L.Ravi Shankar, S/o Late N.K.Linga Swamy, aged 73 years, Retired Employee.
2. N.Chandrakala, W/o N.L.Ravi Shankar, Aged 59 years, House Wife.

Both are represented by their GPA holders

- 1.Mandala Ram Mohan, S/o Late Malliah, Aged 51 years, Flat No.502, Ayaan Homes, B Block, Bachupally village, Medchal-Malkajgiri District.
- 2.Narameta Chandra Reddy, S/o late Mallareddy, Aged 55 years, H.No.11-5-239/9, H.P. Road, Moosapet, Hyderabad - 18

...Appellants/Complainants

AND

1. The Registrar, TG Real Estate Regulatory Authority, DTCP Building, Ground Floor, 640, A.C. Guards, Masab Tank, Hyderabad.
2. The Secretary, TG Real Estate Regulatory Authority, DTCP Building, Ground Floor, 640, A.C. Guards, Masab Tank, Hyderabad.
3. M/s Aparna Infra Housing Pvt. Ltd., represented by its Authorised Signatory, B.V.Srinivasa Reddy, #802, Astral Heights, Road No.1, Banjara Hills, Hyderabad - 500034.

..... Respondents

Counsel for the Appellants : Mr.K.Fakruddin

Counsel for Respondent No.3 : Mr.M.V.Durgaprasad

ORDER:: (*Per Hon'ble Sri Justice A. Santhosh Reddy*)

This appeal arises from out of the Order, dated 24.10.2025, passed by the 1st respondent/Registrar, Telangana Real Estate Regulatory Authority, Hyderabad, in RC.No.3392/2025/TG RERA, whereby the Complaint filed by the appellants/complainants was returned, as not maintainable.

2. The case of the appellants/complainants, in brief, as contained in the complaint is that they are the absolute owners and legal heirs of late N.K.Lingaswamy, having acquired rights over a total extent of Ac.15.00 gts situated at Gopanpally village, Serilingampally Mandal, Ranga Reddy District, vide registered sale deeds bearing Document Nos.423/1966, 761/1965, 989/1966 and 989/1966. It is stated that despite the said registered conveyances, some fraudulent transactions were created by third parties without any subsisting right, title or interest over the property. It is further stated that the 3rd respondent/Aparna Infra Housing Private Limited had illegally entered into their property and commenced constructions in Sy.No.124/I, admeasuring Ac.5.00 guntas, and in Sy.No.262/E, admeasuring Ac.2.00 gts, (out of Ac.9.35 gts.) situated at Gopanpally village, Serilingampally Mandal, without any

right, title or interest. It is further stated that the 3rd respondent had also obtained construction permission by the GHMC, vide Building Permit No.4612/GHMC/SLP/2023-BP, dated 06.12.2023, and RERA Registration No.P02400007601, dated 20.01.2024, based on the fabricated and fraudulent documents. Therefore, the appellants/complainants sought the following relief:

(i) To cancel Form 'C' registration certificate of project dated 20.01.2024 issued in the name of 'Aparna Sunstone' pertaining to Sy.No.124(P) and 262(P), located in Gopanpally village, Serilingampally Mandal, Rangareddy District.

3. 3rd respondent/promoter filed a Counter, *inter alia*, contending that the appellants/complainants are not aggrieved parties within the meaning of Section 31 of the Real Estate (Regulation and Development) Act, 2016 (for short 'the Act') and as such the present appeal is not maintainable. Further, the dispute raised by the appellants regarding title and possession are only maintainable before the competent Civil Court. It is further contended that the landowners i.e., M/s Siris Ltd., and others have acquired large extents of lands in Sy.Nos.124(P) and 262(P) of Gopanpally village, Serilingampally Mandal, Ranga Reddy District, from the original Khasra Pattedars or their legal heirs or subsequent purchasers

under various registered sale deeds. Further, the purchasers in turn executed the registered Joint Development Agreement-cum-Irrevocable GPA in favour of the 3rd respondent, dated 28.08.2020 and 11.04.2023. It is further contended that landowners in turn executed the registered Joint Development Agreements-cum-Irrevocable General Power of Attorney in favour of the 3rd respondent for the land admeasuring Ac.95.00 gts in Sy.Nos.124(P) and 262 (P) of Gopanpally village, Serilingampally Mandal, Ranga Reddy District, out of which, the landowners contributed land admeasuring 100758.87 sq.mts equivalent to Ac.24.36 gts. For development of residential apartments and that the 3rd respondent had obtained permission from the GHMC, dated 06.12.2023, for construction of residential complex apartments. It is further contended that the land claimed by the appellants/complainants does not pertain to the land covered by approved permission/sanctioned plan for construction of residential complex issued by the GHMC. The boundaries in the sale deed annexed to the complaint do not match with the land covered by the project. The landowners of the subject sanctioned plan issued by the GHMC are not claiming through the alleged pattadars set up by the appellants and as such they have nothing to do with the land covered by the sanctioned plan and have no locus standi to file the complaint.

Therefore, the complaint as well as the present appeal are not maintainable and that the appeal filed by the complainants is liable to be dismissed, with exemplary costs, as being frivolous, vexatious and in gross abuse of the provisions of the Act.

4. Appellants/complainants filed a reply affidavit to the counter filed by respondent No.3, *inter alia*, contending that they are relying upon the documents executed in the year 1966, which reflect Khata numbers and Khasra entries indicating sub-survey numbers and corresponding Khata numbers. However, in the alleged plan sanctioned by the GHMC, the property was merely shown in Sy.Nos.124(P) and 262(P) without actual identification of the property with reference to numbers for the purpose of granting permission for a specifically identified property. It is further contended that total extent of land in Sy.No.124 is Ac.279-38 gts and the subject permission has been granted only in relation to Ac.62.00 of land by showing Sy.No.124 (part) and 262 (part) without identifying the exact sub-survey numbers. It is further contended that M/s Siris Ltd., is also claiming rights from one Surender Mohan Prasad and he was enjoying an extent of Ac.17.00 in Sy.No.124, out of which Ac.5.00 was sold to the appellants in the year 1966 and the remaining Ac.12.00 was sold to Siris Ltd., in the year 1993. Further, under the cover of subsequent sale deed

projecting the property as Sy.No.124 (P), the 3rd respondent is misleading the Corporation and is also falsely claiming rights by encroaching upon the land of the appellants. It is further contended that since the sale deed executed in favour of father of the 1st appellant Lingaswamy was of the year 1966, it is not proper on the part of the 3rd respondent to contend that the property was purchased based on the entries contained in the year 1975-76. Therefore, it is prayed that the appeal filed by the complainants is liable to be allowed.

5. During the course of scrutiny of the complaint filed by the complainants, it was observed by the Registry of the Real Estate Regulatory Authority that the complainants had filed the present complaint seeking to redress their private grievance alleging that the 3rd respondent herein illegally entered into their subject property and commenced constructions, without any right, title or interest, and as such they cannot be said to be the 'aggrieved persons' to take recourse to Section 31(1) of the Real Estate (Regulation and Development) Act, 2016 (for short 'the Act') and accordingly returned the complaint, as not maintainable, with liberty to work out their remedies before appropriate forum.

6. Feeling aggrieved by the aforesaid order, dated 24.10.2025, the present appeal has been preferred by the appellants/complainants.

7. We have heard the learned Counsel appearing for the appellants/complainants as well as learned Counsel appearing for respondent No.3 herein and have gone through the entire material placed on record.

8. The point that arises for consideration in this appeal is as under:

“Whether the impugned order, dated 24.10.2025, passed by the Registry of the Telangana Real Estate Regulatory Authority, Hyderabad, is sustainable in law?”

POINT::

09. The contention of the learned Counsel for the appellants/complainants is that the 3rd respondent/Aparna Infra Housing Private Limited had illegally entered into their property and commenced constructions in Sy.No.124/I, admeasuring Ac.5.00 gts. and in Sy.No.262/E, admeasuring Ac.2.00 gts. situated at Gopanapally village, Serilingampally Mandal, without any right, title or interest. His further contention is that originally the said property belonged to the father of the 1st appellant and father-in-law of the 2nd appellant, by name N.K.Linga Swamy, who purchased the same from one Surendra Mohan Prasad under a registered sale deed bearing Document No.989/1966,

dated 13.10.1966, and that after demise of his father, the 1st appellant succeeded the said property. Therefore, the appellants/complainants fall within the definition of 'aggrieved persons' under Section 31(1) of the Act since their legally owned property included in the project of the 3rd respondent.

10. It is the contention of the learned Counsel for the 3rd respondent that the appellants/complainants are neither allottees nor parties to the project nor do they have any contractual relationship with the 3rd respondent, as they have not booked any Flat in the project and, therefore, the complaint, under Section 31 (1) of the Act, as well as appeal under Section 44 (1) of the Act by the appellants/complainants are not maintainable. In support of his contention, he relied upon a decision of the Hon'ble Supreme Court in *Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra*¹, wherein it was held that a person who is not directly affected in law cannot invoke statutory remedies.

11. The moot question which requires to be examined in the present appeal is whether the appellants/complainants can be said to be 'aggrieved persons' for filing complaint under Section 31 (1) of the Act and pursue their remedies under the said Act.

¹ (2013) 4 SCC 465

12. For brevity and better understanding of the matter, it is relevant to reproduce Section 31(1) of the Act, which reads as under: -

“31. Filing of complaints with the Authority or the adjudicating officer: - (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. (2) The form, manner and fees for filing complaint under subsection (1) shall be such as may [Prescribed].

13. The Hon'ble High Court of Bombay *in Yogesh Keshav Bele Vs. Maharashtra Real Estate Regulatory Authority*², held as under:

“On a harmonious and holistic reading of various above-referred provisions of the RERA Act, in my view, a person who is not at all connected with the project of the promoter since he had not booked any flat in the said project cannot be said to be an "aggrieved person" under Section 31(1) for filing complaint. The Explanation to Section 31(1) provides

² 2023 SCC Online Bom 1849

that "person" shall include the association of allottees or any voluntary consumer association registered under any law for the time being in force. The "aggrieved person" under the RERA Act could be an allottee or real estate agent or promoter or association of allottees or any voluntary consumer association registered under any law for the time being in force. A person who is not at all connected or interested in the project but seeks to redress his private grievances as a person occupying the adjoining land next to the project cannot be said to have any locus to file a complaint and redress his private grievances by taking recourse to the RERA Act. The remedy of such a person lies somewhere else and not before the Regulatory Authority under the RERA Act. The said view is based on a holistic reading of preamble to the Act and the various provisions which have been analysed above, which clearly point out that the phrase "aggrieved person" in Section 31(1) of the Act would be an allottee, promoter or real estate agent or association of allottees or registered voluntary consumer association. The phrase "aggrieved person" has to be construed in the context and purpose of RERA Act and would encompass a person whose rights as an allottee, promoter or real estate agent or person governed by the Act is infringed. The phrase "aggrieved person" cannot be stretched on harmonious reading of all the provisions of the Act and objective of the Act to mean that any person who alleges violation of various laws by the developer can

approach the Regulatory Authority under Section 31(1) of the Act. In the instant case, admittedly the Appellant is not an "allottee" in the project being developed by respondent No. 3. The allegation made by the appellant are with respect to violation of various laws by the developer in the development of the project. The grievance appears to be made in the nature of private or public interest and not what is governed and regulated by the RERA Act."

14. *In Bar Council of Maharashtra Vs. M.V.Dabholkar*³, the Hon'ble Supreme Court has expounded the definition of an 'aggrieved person' in Paragraph Nos.27 and 28 of its judgment, which reads as under:

"The words 'person aggrieved' are found in several statutes. The meaning of the words 'person aggrieved' will have to be ascertained with reference to the purpose and the provisions of the statute. Sometimes, it is said that the words 'person aggrieved' correspond to the requirement of locus standi which arises in relation to judicial remedies."

"Where a right of appeal to courts against an administrative or judicial decision is created by statute, the right is invariably confined to a person aggrieved or a person who claims to be aggrieved. The meaning of the words 'a person aggrieved' may vary according to the context of the statute. One of the meanings is that a person

³ (1975) 2 SCC 702

will be held to be aggrieved by a decision if that decision is materially averse to him. Normally, one is required to establish that one has been denied or deprived of something to which one is legally entitled in order to make one 'a person aggrieved'. Again, a person is aggrieved if a legal burden is imposed on him. The meaning of the words 'a person aggrieved' is sometimes given a restricted meaning in certain statutes which provide remedies for the protection of private legal rights. The restricted meaning requires denial or deprivation of legal rights."

15. *In Ayaaubkhan Noorkan Pathan Vs. State of Maharashtra (1 supra)*, the Hon'ble Apex Court in paragraph No.9 held that "it is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the authority/Court, that he falls within the category of aggrieved persons. Only a person who has suffered or suffers from legal injury can challenge the act/action/order, etc., in a Court of law."

16. The appellants/complainants have relied on a decision of the Odisha Real Estate Appellate Tribunal in OREAT Appeal No.17 of 2023, dated 28.11.2025,⁴, wherein it was held as under:

⁴ (2025) ibclaw.in 533 REAT

“A combined reading of Section 2(zg) and Section 31(1) of the Act, therefore, makes it clear that an individual who is not an allottee may also file a complaint under Section 31(1) of the Act, if he or she is aggrieved by any violation or contravention of the provisions of the Act, or the Rules and Regulations made thereunder against any promoter, allottee or real estate agent. So, the requirement under Section 31 (1) of the Act is that the respondent of a complaint must be either a promoter or an allottee or a real estate agent. This is, however, not the vice versa in the case of a complainant, who may be any one among Section 2(zg) of the Act apart from the registered association of allottees or the registered voluntary consumer association as per the explanation under Section 31 (1) of the Act. It is, therefore, to be concluded that, the contention of the respondent No.1 in the petition dated 11.10.2022 challenging the maintainability of the complaint case as well as in the written show cause to the appeal memo that an aggrieved person under Section 31 (1) of the Act is restricted only to mean and include allottees, association of allottees or any voluntary consumer association registered under any law for the time being in force, is misconceived. The appeal being an ‘individual’ under Section 2 (zg) (i) of the Act and alleging contravention of Section 7 (1) (C) of the Act is undoubtedly entitled to file the complaint case against the respondent No.1/promoter and others, because she is aggrieved by the grant of registration certificate in favour of

respondent No.1 in respect of the whole of the plot No.280 of Khata No.412/383, of which her purchased land under Plot No.280/2791 in Khata No.412/542 is a part.”

17. On a careful reading of the complaint and in view of the aforesaid decisions of the Hon'ble Apex Court, it is clear that the appellants/complainants are not 'allottees/purchasers' of any Flat/plot in the project being developed by respondent No.3. The grievance of the appellants/complainants is that the 3rd respondent/Aparna Infra Housing Private Limited had illegally entered into their property and commenced constructions in Sy.No.124/I, admeasuring Ac.5.00 guntas, and in Sy.No.262/E, admeasuring Ac.2.00 gts, (out of Ac.9.35 gts.) situated at Gopanpally village, Serilingampally Mandal, without any right, title or interest. However, in the alleged plan sanctioned by the GHMC, the property was shown by the 3rd respondent, as situated in Sy.Nos.124 (P) and 262 (P) without actual identification of the property with reference to pote numbers for the purpose of granting permission for a specifically identified property.

18. On the other hand, the 3rd respondent claims that the landowners executed the registered Joint Development Agreements-cum-Irrevocable General Power of Attorney in favour of the 3rd respondent for the land

admeasuring Ac.95.00 gts in Sy.Nos.124(P) and 262 (P) of Gopanpally village, Serilingampally Mandal, Ranga Reddy District, out of which, the landowners contributed the land to an extent of Ac.24.36 gts. for development of residential apartments and that the 3rd respondent had obtained permission from the GHMC, dated 06.12.2023, for construction of residential complex apartments. It is further contended that the land claimed by the appellants/complainants does not pertain to the land covered by approved permission/sanctioned plan for construction of residential complex issued by the GHMC.

19. In the present case, the appellants/complainants, are trying to agitate their claim of alleged title which is within the exclusive domain of competent Civil Court. Further, the complaint does not disclose violation of any provisions of the Act by the 3rd respondent. Further, the provisions of the Act make it clear that neither the Regulatory Authority nor the Appellate Tribunal can decide the title disputes and the competing ownership claims of the parties. Further, the Hon'ble Apex Court in *Shiv Kumar Chadha vs. MCD*⁵ has unequivocally held that disputed questions of title cannot be decided by the statutory authorities. Therefore, we are of the considered view that the appellants cannot be said to be "aggrieved

⁵ (1993) 3 SCC 161

persons” to take recourse to Section 31(1) of the Act. Thus, from the above analysis, it is evident that the appellants having no concern whatsoever cannot be said to have any *locus standi* to knock the doors of the Act for redressal of their grievance.

20. A bare perusal of the judgment of Orissa Real Estate Appellate Tribunal in OREAT Appeal No.17 of 2023, relied upon by the appellants/complainants, makes it clear that the complainant therein possessed a right, title and interest in respect of the tract of land for which the project registration has been erroneously granted. Therefore, the complainant in that matter necessarily be an aggrieved person having suffered injury on account of such registration, albeit not being a consumer or an allottee. In the present case, there is a title dispute with regard to the subject property between the appellants/complainants and respondent No.3 and as such the said judgment renders no assistance to the appellants/complainants herein.

21. Coming to the scope of RERA jurisdiction, the Act regulates the contractual obligations of the promoter/developer and the same is not a full-fledged Civil Court since RERA cannot conduct a detailed trial like adjudication involving the allegation of fabrication of documents and title disputes, as these complex issues require a complete evidence to be

adduced by the parties through the witnesses and subject to cross-examination and the same requires a full-fledged Civil Court trial procedure. Apart from this, only the Civil Courts or Criminal Courts are competent to declare that a particular document is forged or fabricated.

22. There is no explicit provision under the Act, which empowers neither the Regulatory Authority nor this Tribunal to try and entertain the disputed questions of facts. Further, the manner in which the 3rd respondent had obtained sanctioned plans and necessary approvals/permissions from the GHMC for construction of the project also cannot be gone into by the Regulatory Authority or this Tribunal due to lack of jurisdiction under the provisions of the Act.

23. Be that as it may, the appellants mainly seek the revocation of the registration certificate of the project granted to the 3rd respondent on the ground that he fraudulently registered the project under Section 4 of the Act despite not having valid title over the project land. From a perusal of the record, it is evident that since the 3rd respondent has duly complied with the relevant provisions of the Act and Rules and that since no complaint has been received from any allottee alleging that the 3rd respondent has not complied with the provisions of the Act and Rules and also regulations made thereunder, the learned Regulatory Authority has

rightly granted registration certificate of project 'Aparna Sunstone' to respondent No.3 under Section 5 of the Act in Sy.Nos.124(P) and 262(P), located at Gopanpally, Serilingampally, Ranga Reddy District.

24. In view of the aforementioned reasons, we do not find any merit in the present appeal and accordingly the impugned order, dated 24.10.2025, passed by the Real Estate Regulatory Authority in RC.No.3392/2025/TG RERA, is sustainable in law.

25. In the result, the appeal is dismissed reserving liberty to the appellants to pursue their remedies before the Civil Court of competent jurisdiction, if they so desire. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

Registry is hereby directed to transmit a copy of this order to the parties and the learned Regulatory Authority as per section 44 (4) of the Act.

Pronounced on this the 8th day of June, 2026.

Sd/-

A. SANTHOSH REDDY, J
(CHAIRPERSON)

Sd/-

P.PRADEEP KUMAR REDDY
(JUDICIAL MEMBER)