

REAL ESTATE REGULATORY AUTHORITY, BIHAR
IN THE COURT OF SPECIAL PRESIDING OFFICER, RERA, BIHAR
 RERA/CC/469/2025

Pravin Sinha-----Complainant

v.

Platinum Heritage Homes Pvt. Ltd. -----Respondent

PROJECT: Shiv Savitri Sadan

13/07/2026

ORDER

The complainant has filed this case for revocation of the project Registration No. BRERAP184128040425310829E00 dated 08.05.2025 granted to the respondent for the project namely Shiv Savitri Sadan under Section 7(1) of the Real Estate (Regulation and Development) Act, 2016, on the ground of material misrepresentation, concealment of facts regarding ongoing litigations including Title Partition Suit No. 269 of 2017 and Title Suit No. 467 of 2024, violation of the interim status quo order dated 03.06.2025 and false declaration under Section 4(2)(1) of the Act and that the land is free from encumbrances and that the promoter holds valid title and also for imposition of penalty on the respondent under sections 59 and 60 of the Act for furnishing false information, to cease all construction, marketing and sales activities and for other relief/s which deems fit and proper.

2. The complainant's case in brief is that the complainant is one of the co-owners and co-parceners in the joint Hindu family property, including the land in question for which the respondent has obtained project registration. Pradip Sinha, being the heir of Shivrindan Sinha, was managing the joint Hindu family property at Patna and unilaterally decided to prepare a memorandum of partition date 02.04.1975 in order to evade the rigors of the Urban Land Ceiling Act, without consulting any other members of the joint family including the

plaintiff. The plaintiff is not a signatory to the said memorandum of partition dated 02.04.1975. The mother of the complainant was erroneously made a co-sharer therein (notwithstanding that her husband was still alive), which is contrary to law. Moreover, the signature of the complainant was forged on the said memorandum of partition dated 02.04.1975, inasmuch as the complainant was a minor as on the date of its execution and thus incapable of affixing his signature. The said memorandum of partition is an illegal and fraudulent document devoid of any legal effect and that was never acted upon by the brothers of the complainant and continued to reside as a joint family with a common mess and residence. It has come to the light that Pradip Sinha and Sanjoy Sinha have unilaterally disposed of portion of the joint family property which, even according to the said memorandum of partition were allocated as shares to other defendants. The sister of the complainant namely Rita Sinha, has instituted a partition suit bearing Title Partition Suit No. 269/2017, seeking her share in the joint family property and that is pending before the court of learned Sub-Judge-X, Patna. A title suit filed by Pradip Sinha and Sanjoy Sinha is pending before the learned Sub-Judge-XVI, Patna. In the absence of any valid partition of the joint family property, a registered Development Agreement dated 19.08.2017, was executed by Sanjoy Sinha and now the deceased mother, namely SavitriSinha, without any authority or consent from the other co-sharers, including the Complainant, in favour of one Platinum Heritage Homes Pvt. Ltd. (respondent) for the development of land admeasuring 10,332 square feet, being part of the plot of land with the sole intent to defeat and frustrate the rights of the Complainant and others in the partition suit. The Developer has commenced excavations and construction on the plot. The court in Title Suit No. 467 of 2024 had directed all the parties including the respondent to maintain status quo with respect to the plot. The respondent has furnished a false information in the application seeking

registration of the project and the project commenced on 01.11.2024, whereas the respondent had already initiated work on the plot as early as in July 2024. The respondent has violated Section 4(1)(1) by providing a false declaration that he holds valid and legal title over the plot in question and the project is unlawful and prejudicial to the complainant's right. The respondent's concealment of ongoing litigations warranting revocation under section 7(1) of the Act. The complainant, as a co-owner, is directly aggrieved as the registration enables the respondent to proceed with sales and constructions, potentially creating third-party rights and complicating the partition suits.

3. The objection petition cum Counter affidavit has been filed on behalf of the respondent to dismiss the case stating therein brief that the complaint case is entirely false and baseless. Sanjoy Sinha has executed the said registered development agreement dated 19.08.2017 in favour of the respondent in respect of his land allotted in his share in the family partition dated 02.04.1975. In the said partition the complainant Pravin Sinha was also party and put his signature over the said partition deed as acceptance of partition. All the parties of the said partition have been coming in possession over their allotted share in the said family partition to the knowledge of the complainant. The complainant has also executed a registered development agreement in respect of his land allotted in his share in the said partition dated 02.04.1975 in favour of M/s Patliputra Heritage Homes Pvt. Ltd. on 23.01.2010, which company belonged to this respondent. On the basis of said family partition, land was sold by complainant himself and its purchasers Smt. Kismati Devi and Smt. Radha Devi have also constructed their house over their said purchased land and now living there along with their family members. On the basis of the Development agreement dated 19.08.2017, the respondent has constructed multistoried building after following each and every rules and after taking approval for the project from the Authorities to the knowledge of the complainant over the land under the

said registered development agreement after investment of huge amount and most of the structure work have already been completed. The complaint petition has been filed with malafide, dishonest and ulterior motive on baseless allegations only to harass the respondent and to disturb the construction work for his illegal gain.

4. Heard Shri Ujjawal Kumar, learned counsel for the complainant and Shri Abhinay Priyadarshi, learned counsel for the respondent. Perused the record.

5. After hearing and perusal of the record it appears that the respondent has entered into a registered Development agreement dated 19.08.2017 executed by one Sanjoy Sinha whereas as per the complainant Sanjoy Sinha has no right to enter into any agreement as the property was joint family property and it was not partitioned. It is admitted fact that a family partition by memorandum of partition dated 02.04.1975 was prepared but as per the complainant that memorandum of partition is illegal, not binding upon the co-sharers and a partition case is also pending before the competent court and also a Title Suit is also pending before the competent court whereas as per the respondent, the partition dated 02.04.1975 is legal, legal binding and it is binding on all concerned family members. The complainant has stated that at the time of said partition dated 02.04.1975 the complainant was a minor and he was not competent person to sign over memorandum of partition. The respondent has stated that the complainant of this case has also executed an agreement with the project of the respondent for the property mentioned in memorandum of partition dated 02.04. 1975 and the construction was also being developed on it. The complainant himself had sold the part of the land mentioned in aforesaid memorandum of partition to one Smt. Kismati Devi and Smt. Radha Devi, who have also constructed their house over their said purchase and now living along with their family. The development agreement is of 23.01.2010. Selling of his share to the third party i.e. Smt. Kismati Devi and Radha Devi and

also development agreement with respondent company on 23.01.2010 appear to show that the complainant himself has either sold or made development agreement showing that the partition has been made. On the one hand the complainant himself acted upon transferring the property on the basis of partition whereas on the other hand he wants to obstacle to the other parties or the respondent on the basis of stating the aforesaid memorandum of partition not binding or illegal. Both contradictory contentions cannot sustain in the eye of law. So far cases filed in competent jurisdiction of civil court is concerned, that may be effected only by decision of that court and this fact has already been made in agreement of development between the parties.

6. So far allegation of false and misconceived statement made in the form of registration by the respondent is concerned that does not appear proper allegation as cases filed by either the complainant or any other person against the respondent or their co-sharer, are of after filing registration form and in such a situation it may be said that at the time of registration there was no any litigation over the same and as such allegation appears not to be justified. So far revocation of the project is concerned, that can be done only by following the provision of section 7(1) of the Real Estate (Regulation and Development) Act, 2016 on the grounds of material mentioned only and after perusal of the provisions of section 7(1) of the Act, it appears that there is no any material to revoke the registration of the project. In such condition no any relief may be granted to the complainant in the interest of justice. So it is hereby dismissed.

Sd/-

(Vinod Kumar Tiwari)
Special Presiding Officer
RERA, Bihar