

REAL ESTATE REGULATORY AUTHORITY, BIHAR

**Before the Bench of Hon'ble Inquiry Commissioner, Mr. Sanjaya Kumar Singh, RERA,
Bihar**

RERA/CC/65/2025

Krishna Kumar

.....Complainant

Vs

M/s Nutan Construction

.....Respondent

Project: Lotus Garden

**Present: For Complainant: Mr. Rabindra Kumar, Advocate
For Respondent: Mr. Jai Ram Singh, Advocate**

07/01/2026

OR D E R

The matter was last heard on 18.09.2025 when Mr. Rabindra Kumar, learned counsel had appeared on behalf of the complainant and Mr. Jai Ram Singh, learned counsel had appeared on behalf of the respondent. After hearing learned counsel for both the parties, the order was reserved and is being pronounced today.

In the present complaint case, the complainant has prayed for revocation of Registration No. BRERAP0041-6/105/R-1410/2022 of the project, namely, Lotus Garden, to direct respondents no. 1 and 2 not to enter into any agreement with any buyer or obtain any amount from any financer, Bank, Insurance etc. and also to restrain the respondents no. 3 to 11 not to encumber the property in any manner till final decision of the higher court.

The case of the complainant as submitted by him is that there is a dispute between him and respondents no. 3 to 11 over the project land since 2020-21 due to illegal mutation of the said land. On knowledge regarding the same, the complainant filed a Jamabandi Cancellation Case No. 76/2020-21 before the Addl. Collector, Patna u/s 9(1) of the Bihar Land Mutation Act, 2011 who vide his order dated 03.01.2022 dismissed the said case with an observation that the aggrieved party may go to the competent civil court. Thereafter the complainant filed a Title Suit bearing No. 302 of 2022 before the Civil Court, Danapur over Khata No.752, Survey Plot No.840, area 177 decimals which happens to be his khatyani land but the respondents no. 3 to 11 claimed ownership of the said land on the basis of forged and fabricated documents which is under challenge in the title suit. He has further stated that respondent no. 1 and respondent no.2 in conspiracy with each other managed to obtain a development agreement despite having knowledge of the fact that the said property was under dispute. In this way, respondents no. 1 and 2 in conspiracy with the other respondents suppressed the fact regarding the property being under dispute and the respondents managed to execute a development agreement of part area 81 decimals out of 177 decimals between the respondents no. 10 and 11 on 17.01.2022. He has further stated that in view of

pendency of the title suit, if it is not revoked and suspended, the complainant shall suffer an irreparable loss and injury. He also submits that the developer and respondents no. 3 to 11 are involved in unfair practice and have obtained the RERA registration by suppressing the material facts. Hence, this complaint case.

The complainant has placed on record a copy of the plaint of the Title Suit No.102/2022, a copy of the letter dated 24.11.2023 issued by Public Information Officer, RERA, Bihar regarding RERA registration of the project and a copy of the certificate of registration.

On the other side, the learned counsel for the respondent has questioned the maintainability of the present complaint case stating that the present complaint petition is not maintainable before this court as the complainant does not fall within the category of persons entitled to invoke the jurisdiction of the Authority. The complainant is neither a flat owner, nor a landowner, nor a promoter in the said project. He has further stated that the complainant is a stranger to this project and he has instituted a Title Suit No.102/2022 before the Sub Judge-I, Danapur claiming ownership rights over the said land but the respondent has not been impleaded as a party in the said title suit which is pending adjudication before the competent civil court and no interim or final order has been passed by the civil court in favour of the complainant. He, therefore, claims that the complainant has no locus standi to file the present complaint case before the Authority and the same deserves to be dismissed in limine.

Learned counsel for the respondent denies the allegations of the complainant and submits that the said project has already been completed and occupancy certificate has been obtained from the competent authority following which most of the flats in the share of the respondent have already been sold and handed over to the respective buyers and also to the respective landowner, as per the development agreement. He further submits that no complaint whatsoever has been filed earlier by the complainant in any form regarding the land. The complainant when enquired regarding the same submits that though he has not made any formal complaint in this regard, he has always been in touch with the said respondent and has apprised him regarding the pending title suit. Learned counsel for the respondent submitted that even if a title suit is pending before the competent civil court at present which has not yet been decided in his favour and there is no interim order putting any restriction of any kind pertaining to the suit land, in such a case the complainant has no locus standi to come before this court in the present scenario and as such, this case is ab initio void.

Perused the records of this case and gave a serious consideration to the facts and evidences available on record.

From perusal of the records it appears that the aforesaid project in question has been registered with RERA which is valid up to 10.05.2026. This Bench observed that the complainant had filed a Jamabandi Cancellation Case No. 76/2020-21 before the Addl. Collector, Patna u/s 9(1) of the Bihar Land Mutation Act, 2011, which was dismissed by the Addl. Collector Patna on 03.01.2022 with an observation that the aggrieved party may go to the competent authority. Thereafter the complainant filed a Title Suit No.102/2022 before the learned Civil Court, Danapur which is pending for adjudication before the Sub Judge I, Danapur. It is also clear that the learned Civil Court has neither decided the case in favour of the complainant nor has passed any interim order imposing restriction of any kind pertaining to the impugned project land. It also appears that the complainant is neither a flat owner nor the landowner nor the promoter. It thus appears from the facts and evidence pertaining to the matter in question that the complainant has failed to establish his locus standi in filing the present complaint case before this court without any order of any court/ Authority in his favour.

Having considered the aforesaid facts, this court observes that in case there is any dispute pending regarding the land in question, the same can only be resolved by the competent civil court. Since there is no order from any competent court establishing any legal right of the complainant over the said land, hence, the present complaint case is dismissed as not maintainable.

Sd/-

(Sanjaya Kumar Singh)
Inquiry Commissioner,
RERA, Bihar