

REAL ESTATE REGULATORY AUTHORITY, BIHAR

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

RERA/CC/451/2024

Chandra Shekhar Prasad

.....Complainant

Vs

M/s Venus Star Construction Pvt. Ltd.

.....Respondent

Project: Venus Empire

**Present: For Complainant: Ms. Tanya, Advocate
For Respondent: Mr. Sumit Kumar, Advocate**

11/07/2025

ORDER

Heard Ms. Tanya, learned counsel for the complainant and Mr. Sumit Kumar, learned counsel for the respondent.

The complainant has prayed for cancellation of the RERA registration certificate of the project, namely, Venus Empire with immediate effect which has been obtained by concealing the material fact about the right, title and interest over the same..

The complainant claims that the respondent got RERA registration certificate over plot No.3, Khesra No. 80, area 2.37 acre situated at Mauja Adampur, Thana No.40, Tauji No. 5062 on the land which belongs to the complainant by concealing the material fact about the right, title and interest over the same. It is stated by the complainant that he has acquired the right, title and interest over the property on account of the fact that he is the legal heir of late Fuljhari Kunwar. The plot over which the respondents are making construction has never been transferred to him by the legal and bona fide owner of the property. The complainant also states that the respondents have got no authority or valid document of possession over the property for starting the project.

The complainant has placed on record a copy of the order dated 27.07.1955 passed in Title Appeal No. 240/5 of 1954/1955, order dated 31.07.1954 passed in Title Suit No.26 of 1953 and the order dated 02.03.1951 passed in Ex.Suit No. 616 of 1949.

From perusal of the records it appears that the respondent- promoter has filed his written notes of argument on 19.06.2025. Learned counsel for the respondent has submitted that the present complaint petition is not maintainable either on facts or in law. He has submitted that the present complaint petition is

frivolous in nature and has been filed with malafide intention and this complaint is hit by the law of res judicata as defined u/s 11 CPC, 1908 as the subject matter of this case has already been decided as not maintainable by the learned Member Ms. Nupur Banerjee vide order dated 06.07.2023 in RERA/CC/159/2022. Both the cases have been filed with respect to the aforesaid land in question. He has also stated that the project in question is a RERA registered project which was valid till 31.12.2024. The said project has received occupancy certificate from Patna Metropolitan Authority on 27.09.2024 and the project is complete in all respect. It has further been submitted that the promoter has already sold out the entire units of the project and handed over the common area of the project to the allottees association. The project land in question belongs to the respondent on which the project has been constructed. The complainant had also filed a Jamabandi cancellation case No. 184/2022-23 against the respondent for cancellation of Jamabandi of the project but the said case was dismissed by A.D.M., Patna as not maintainable vide order dated 20.11.2024. In the meantime, the complainant had filed a title suit No. 50/2014 before the Civil Court, Danapur for declaration of title over the disputed land which was dismissed on 06.12.2019. Therefore, he has prayed to dismiss the present case as not maintainable.

The complainant has also filed rejoinder to the said reply cum written statement in which it has been submitted that the respondent has got registration from the RERA on the basis of false documents. The complainant has legal title and ownership over the land bearing plot No.80, Khata No.03, Thana No.40, Mauza Adampur, Danapur, Patna and has a valid share over the said land. It is further stated that the respondent without obtaining a valid title and NOC from the co-sharer started construction of the apartment over the said land and no one has any right to grab the land of the real owner without purchasing his share or without obtaining the consent from the real owner. It is also submitted that the complainant has filed a case before Patna High Court bearing C.W.J.C.No. 15648/2023 against the order passed in Jamabandi Cancellation Case No.184/2022-23 which is listed for consideration.. The complainant has also filed a Misc.Case No. 02/2021 which is listed before Sub Judge VI, Danapur. Title Suit No.50/2014 has been dismissed as not pressed. Therefore, he has prayed to cancel RERA registration of the respondent over the said plot.

Perused the records 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 as a new project which is valid up to 31.12.2024. The Authority while granting the registration of the aforesaid

project had minutely verified the title of the land and no defect in the title of the project land was recorded. The project land in question was purchased by the respondent company in the years 2019 and 2020. He has been paying land revenue to the local Government authority. The complainant is not an allottee of the aforesaid project in question. The Title Suit No.50/2014 filed by the complainant against the previous landowners has been dismissed by the Civil Court, Danapur vide its order dated 06.12.2019. The complainant has also filed C.W.J.C.No. 15648/2023 against the order passed in Jamabandi Cancellation Case No. 184/022-23 but he has not submitted any stay order from the Hon'ble High Court in the said case. The Court of Additional Collector, Patna in Jamabandi Cancellation Case No. 184/2022-23, Chandrashekhar Prasad (complainant here) vrs. Pradip Kumar and others pertaining to the project land in question has been pleased to dismiss the said case saying that the same is not maintainable. It thus appears from the facts and evidence pertaining to the matter in question that the complainant has no locus standi to file the present complaint case before this court.

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. Till date 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