

**REAL ESTATE REGULATORY AUTHORITY, BIHAR**  
**IN THE COURT OF SPECIAL PRESIDING OFFICER, RERA, BIHAR**  
RERA/CC/ 428/2023

Rakesh Kumar -----Complainant

Vs

M/s Shree Ravi Homes Pvt. Ltd. & Others -----Respondent

Project: PLOT

25/03/2026

**ORDER**

No one has appeared on behalf of the complainant. Despite several notices, reminders, and adjournments, no effort has been made by or on behalf of the complainant to appear in the present case. Shri Sharad Shekhar, learned counsel for the respondent, is present. Accordingly, the case is being disposed of on the basis of the materials available on record.

2. The complainant has filed this case for a direction/order for revoking the said project under section 7 of the RERA Act, 2016 as the title suit is pending before the competent court of law and to safeguard the interest of the complainant and to protect the allottees who will suffer by investing their hard earned money in the disputed land in question. It is also for compensation for mental harassment, litigation cost and for any other relief/ reliefs for which the complainant is entitled to.

3. In short this petition is filed for revocation of registration obtained by the developer from the Authority as the developer knowingly and with an intent to deceive the landowner got the registration by knowing the fact that the said land in question is disputed. The complainant is the landowner/coparcener of the land measuring an area of 81 decimals out of 2 acre 91 decimal which is the ancestral property bearing Tauzi no. 129, khata no. 17,C.S. Plot no. 361 which is situated at Mauza Dhelwan, P.S. RamKrishna Nagar, District Patna and its boundary is North- New Bypass Road, South- Plot No. 361 part, East- Bijendra Singh Service Road, West Remaining part of Plot No. 361, HDFC Bank Building. The land in question on which map has been sanctioned (Case No. P/DELWAN- PCN-

2B+G+8/288/ 2021 vide letter no. 4919 dated 26.03.2021) and RERA registration has been granted bearing registration number BRERAP00547-2/141/R- 1296/ 2022 dated 14.03.2022 which is ancestral land of Late Punam Devi and who is the grandmother of this complainant whereas the development agreement was executed on 23.08.2010 with the respondent 2<sup>nd</sup> set. Late Punam Devi was the daughter of Late Sampat Gope who has filed partition against her own uncle Janak Gope and his sons, the case was contested but after hearing the parties, Punam Devi succeeded in the same up to Hon'ble Apex Court and after the death of his grandmother the complainant has acquired interest and coming in absolute physical possession of the same. Several orders and judgments passed in favour of the complainant's grandmother and by virtue of which the complainant became the absolute owner in 50% of the properties falling in the share of her grandmother. The respondents by knowing this fact about the land in question i.e. plot no. 361 against which title suit bearing T.P.S. No. 27/2023 dated 27.01.2023 which is pending for adjudication and the respondents had entered into a development agreement dated 23.08.2010 with respondent 2<sup>nd</sup> set and obtained necessary approvals after 11 years very cunningly and in a hidden manner. The developers were having ill motive towards the complainant from very beginning and trying to usurp the property from the last decade and getting these approvals by the fraudulent way will affect the interest of the justice. The complainant wants his land back from the respondents as well as the compensation. The father of the complainant had also filed a complaint before SDM bearing Complaint Case No. 539(M)/ 2012, Complaint Case No. 36(M)/2022, Partition Suit No. 136/2022 and Cr. Complaint Case No. 6086/2022 under sections 420, 467, 468, 471, 120B/34 of Indian Penal Code which is pending for adjudication and the concerned respondents are knowing very well that the land in question is disputed.

The respondents suppressed the fact before the Authority in Declaration Form B in which they have disclosed that the promoters have legal title to the land on which the development of the project is proposed. Hence, to safeguard the interest of the allottees the registration may be revoked.

4. The respondent has filed counter affidavit/ reply stating therein that the RERA Act, 2016 and Rules are not applicable to the instant case as the present case of the complainant has been filed in the capacity of the landlord for settlement of the share as mentioned in development agreement dated 23.08.2010 whereas the complainant himself has not title over the land and also not part of the development Agreement. Moreover, the Act clearly stipulates that as per the definition of the allottee defined under section 2(d) of the Act, the landowner does not come under the ambit of allottee. The relationship between the developer and the landowner is relied upon the development agreement, which is the subject matter of competent court other than RERA and therefore, the redress of the relief sought for by the landowner may put before the competent civil court for declaration of title but not under this Authority. The respondent has executed the Development Agreement dated 23.08.2010 with the actual landowners, who have their valid title and Jamabandi, thereafter, aforesaid development agreement has been executed and further all compliances have been done regarding construction of Apartment. Moreover, the respondent has already invested huge money for development of land in question. The respondent has applied map plan to the competent authority for the approval of the project so that the construction on above mentioned land would be possible with the permission of the law. The respondent finally got the approval of map and thereafter project has been registered under RERA Authority. The complainant put his right actually on ancestor property of his great grandmother, which is also bad in law as women property right has enforced in year 2005 and owners. The complainant has no locus standi before the Authority as subject matter is concerned to the Civil Court. The company had adopted legal rules and regulations and took necessary steps and due care to construct the Apartment. The construction work is on progress and the entire work will be completed within prescribed period. The establishment of RERA Act is for the securing the rights of Allottees and promoter not outsiders, so respondent denied all averments raised in complaint and may fit for rejection of complaint. The respondent is law abiding citizen and has faith in law. Due to laches on part of the complainant, the respondent suffers heavy financial, physical as well as mental

loss. The respondent deserves right to file detail counter affidavit, if needed. In view of the aforesaid facts, the instant case is fit to be dismissed.

5. After perusal of Annexures of the complaint i.e. Title Partition Suit No. 27 of 2023 it appears that it is a partition suit filed in the year 2023 before the competent civil court, whereas the map has been sanctioned in the year 2021 on dated 26.03.2021 vide letter No. 4919 and Registration in RERA is of the year 2022 dated 14.04.2022. In such a situation it appears that the partition suit has been filed after sanction of map and also after registration in RERA. It can be said that there was no any civil dispute before any competent court before registration, rather it is filed after registration and therefore it appears that the affidavit of the respondent is true where he has said that there is no civil dispute regarding the land in question. Moreover, the case has been filed for partition of the suit not for the title of the suit and therefore, this Court has no right to interfere in the matter. So far complaint cases are concerned before either C.J.M. or S.D.M. those courts are not the competent court for deciding the matter of title.

6. Considering aforesaid facts and circumstances it appears that the registration and approval of the map is legally right. It is also clear that the complainant is neither party of the agreement nor he has locus standi in the case, so he is not entitled for any compensation and as such this case appears fit to be dismissed.

7. Accordingly, this case is dismissed.

**Sd/-**

**(Vinod Kumar Tiwari)**  
Special Presiding Officer  
RERA, Bihar