REAL ESTATE REGULATORY AUTHORITY, BIHAR

Before the Single Bench of Mrs Nupur Banerjee, Member

Case No.CC/159/2022

Ratan Kumari Srivastava ……...Complainant

Vs

M/sVenus Star Construction Pvt. Ltd. ……..…..…Respondent

Project: "VENUS EMPIRE"

06/07/2023

O R D E R

The Matter was last heard on 03.04.2023 when the complainant advocate and the respondent advocate were present, the matter was fixed for order on 06.06.2023. However, due to pre-occupation of the Bench in other matters, Order could not be pronounced on the date fixed.

Learned counsel for the complainant reiterates her submission that the complainant is the landowner and the land is in dispute for which the complainant claims that one title suit no. 50/2014, in the civil court is pending against the previous landowners because someone else by filing some fabricating documents are claiming the land. He prays for revocation of registration.

Learned counsel for the respondent by filing reply submits that the present complaint case is not maintainable before this court. The title suit was dismissed by the Hon'ble civil court Danapur, dated 06.12.2019. No such cases are pending against the present respondent in any competent court. The complainant is neither an allottee nor the land owner nor a promoter, nor even a real estate agent of the aforesaid project in question, so she has no locus to file any complaint before this court. He submits that after scrutiny the registration has been given to the respondent by RERA. The building is almost complete. The land owner is not the party in this case. The respondent will submit the completion certificate within one or two months. He further submits that this is a matter of civil dispute for which the complainant may file a case before the competent court of civil jurisdiction.

The MD was present in court and submits that they have not known about the present complainant and the land owner. He has already filed an FIR against the present complainant.

Perused the record. The Authority observes that the aforesaid project in question has been registered with RERA as a New Project bearing Registration No. BRERAP00014-2/1273 R-1035/2020, situated at Vijay Singh Yadav Path, Near Holy Mission School, Danapur, Patna (Khesra) Plot No.- 80, Khata No.-3, Thana No.40, Mauza-Adampur, Valid up to 31.12.2024.

The Authority, while granting the registration of the aforesaid project was supposed to minutely verify 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 in the local 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, was dismissed by the Hon'ble Civil Court Danapur, dated 06.12.2019.

But still, if there is any dispute pending regarding the land in question, and who is the rightful owner of that same land, has to be solved by the Civil Court. RERA has no jurisdiction to search for the original owner dating back to 1954 Civil Court case. Hence, the present complaint case is not maintainable and the complaint is disposed of.

Sd/-
Nupur Banerjee
Member