

REAL ESTATE REGULATORY AUTHORITY (RERA), BIHAR
Before the Bench of Kamal Narayan Singh, Secretary

Case No.CC/1275/2020-SEC/01/2021.

Jokhu Paswan	Vs.	Complainant
M/s Sunit Housing Pvt. Ltd.		Respondent

Project: Sunit Ambrosia

ORDER

22.09.2021: This Complaint Case was heard through Video Conferencing Mode which was filed on 9.6.2020 by Sri Jokhu Paswan, resident of Akhluchak, Jamsaut, Danapur, Patna against M/s Sunit Housing Pvt. Ltd. through its Director Shri Chandra Prakash, resident of 1/4233, 2nd floor Ansari Road, Daryaganj, New Delhi.

The complainant has sought relief that Sunit Housing Pvt. Ltd. has constructed its project "Sunit Ambrosia" in Mauza- Mainpura Shankar, Thana no.- 24, Tauzi No.5234, Khata No.151, plot no.465, Arazi- 41 decimal. The same is his paternal property in the name mentioned as Ram Khelawan Dushadh S/o Bholu Dushadh, Kom Dushadh Sakin Dehe, Tola-Akhaluchak in cadastral Khatiyani and genealogical table.

This case was heard several times i.e. on 16.7.2021, 30.7.2021, 10.8.2021 and 8.9.2021. It was first heard by the Double Bench consisting of Hon'ble Chairman and Hon'ble Member, Mrs. Nupur Banerjee on 16th July, 2021 and it was transferred for hearing to the Secretary, RERA as the Double Bench observed that "this matter may not be admissible under Section 31 (1) of the Act. However, Section 4 (1) (l) of the RERA Act may be relevant in this case and the affidavit filed by the promoter on the issue of title matter may be checked by the Registration Wing". As this being a matter of administrative nature and not a complaint

case within the Act, the Double Bench was pleased to transfer this case to be heard by the Secretary.

The complainant or his legal representative did not appear before the present Bench consequently on three dates i.e. 30.7.2021, 10.8.2021 and 8.9.2021 despite of being given opportunities to appear before the court. The complainant submitted online only the copy of one genealogical table duly authenticated before the Notary and photo copy of cadastral Khatiyani. No other supporting documents have been submitted during the course of hearing which may support his claim over the land. He has also not filed any supporting document connecting his claim on the basis of Genealogical table. It may not be out of context that the cadastral survey was done for more than a hundred years ago.

The respondent has submitted documents which support his claim over the land and the Project to be constructed upon. These documents include NOC from the Fire Department, approved map of the project by Danapur Municipality, photo copies of rent receipts of the land concerned, development agreements executed between the land owners and the promoter and also photo copy of order of a mutation case as well as Partition Suit No.32/1976 which was filed in the court of Sub-Judge-2, Patna and was compromised between Krishto Prasad @ Krishto Prasad Sharma self and guardian of Praveen Chandra Sharma, Naveen Chandra Sharma and Sunil Chandra Sharma.

The respondent has also submitted photo copy or order of Miscellaneous Case No.18/2005-06 which was on the application of one Jitu Chaudhary S/o Late Bechan Chaudhary and after proper verification and perusal of the records and documents of the Jamabandi holders, it was finally disposed off on 3.7.2007. On the perusal of this order, it was found that there is no mention of the names of the persons as

claimed by the complainant on the basis of cadastral khatiyan.

After perusal of the records available and the relevant file of registration and as directed by Double Bench it was found that in the declaration of the promoter in Form-B, no mention of the title by the other person over the land is there. Non-encumbrance certificate and all the documents submitted by the respondent are supporting his claim over the land. On the date of issue of registration certificate, the land as per record and documents available belonged to the promoter and no one including the complainant had complained opposing the claim of the respondent with the Registration Cell regarding issuance of Registration Certificate. If the complainant had any claim of title over the land in question, he could have approached proper forum in Civil Court and not RERA.

Hence, this complaint case has got no locus-standi and is fit to be rejected. The Hon'ble Double Bench may kindly take appropriate decision over this issue.

With this observation, this matter may be listed before the Double Bench of Hon'ble Chairman and Hon'ble Member, Mrs. Nupur Banerjee for further appropriate decision.

Sd/-

(Kamal Narayan Singh)
Secretary