THE ANDHRA PRADESH REAL ESTATE REGULATORY AUTHORITY
AT: VIJAYAWADA

On 21st day of July,2025.

Corum: Sri E.Rajasekhara Reddy, Hon'ble Member,
Sri. U.S.L.N.Kameswara Rao, Hon'ble Member.

Complaint No. 41 of 2025

Between:

G.V.V. Prasad Raju,
S/o. Gottemukkala Satyanarayana Raju,
R/o. Flat No.301, Narasimha Nilayam,
TPT Colony, Sitammadhara,
Visakhapatnam-530013.

...Complainant

And

1. Gottemukkala Kumar Venkata Raghava Raju.
2. Indukuri Appala Raja Varma, M.D of M/s. Santiam Estates Pvt. Ltd.
3. Gottemukkala Nirosha, D/o G.K.V. Raghava Raju
4. Mandal Revenue Officer, Bhogapuram Mandal, Vizainagaram District
5. Revenue Divisional Officer, Vizainagaram.
6. Planning Officer, VMRDA, Visakhapatnam.
7. Chief Urban Development Planning Officer, VMRDA, Visakhapatnam
8. Secretary, VMRDA.
9. Metropolitan Commissioner, VMRDA, Visakhapatnam.
10. Public Information Officer, VMRDA.

...Respondents

O R D E R

The complainant filed the complaint under Section 31 of the Real Estate (Regulation and Development) Act, 2016 (hereinafter referred to as *"the Act"*) seeking, inter alia, the cancellation of layout approvals, restraint orders against the respondents, imposition of penalties, and grant of compensation.

The case of the complainant is that he is the lawful owner of ancestral property in Kavulawada Revenue Village, Bhogapuram Mandal, Vizianagaram District, Andhra Pradesh, which has been wrongfully included in layouts approved by the Visakhapatnam Metropolitan Region Development Authority (VMRDA) without his consent or lawful authority.

It is alleged that the respondent/developer, M/s Santiam Estates Pvt. Ltd., fraudulently obtained layout approvals for lands in Survey Nos. 155 and 167 to 189 of Kavulawada Village under LP Nos. 10, 24, 55, and 70/2020/1167/VMRDA/DPMS by submitting fabricated and forged ownership documents. These approvals were issued without proper verification and in collusion with revenue and VMRDA officials, in gross violation of law and at the cost of suppressing true ownership details.

The complainant highlights that at the core of the fraud are Development Agreements (including No. 1837/2019 and 2690/2019) registered at SRO Bhogapuram, which were executed on the strength of fabricated sale deeds and a fraudulent gift deed.

Sale Deed No. 647/2000, dated 17-04-2000, and Sale Deed No. 707/2000, dated 22-04-2000, are alleged to be forged, containing misrepresented executant details and impossible ownership claims given the land ceiling declarations that rendered those sellers without any transferable title.

The complainant points to specific forged details, such as misrepresenting the name of the seller (Saraswatamma instead of the correct Bala Saraswathi) and using false witness signatures specifically that of G. Chandrasekhar Raju, who has submitted an affidavit denying witnessing the document.

Gift Deed No. 348/2019, executed at SRO Bhogapuram, is alleged to have been based on tampered revenue records, falsely claiming ownership and inheritance in favour of Smt. Gottenukkala Nirusha, with deliberate misrepresentation of familial relationships to fraudulently establish rights over land that was never owned by the donor, Late Sagi Bangar Raju.

These fraudulent deeds were then used to execute development agreements in favour of M/s Santiam Estates Pvt. Ltd., which in turn were used to secure layout approvals from VMRDA.

The complainant also points out that a portion of Survey No. 155 had already been acquired by the Airports Authority of India (AAI) under L.A. Award No. 08/2017 and Gazette Notifications No. 219/2018/AS and 02/2021/AB, leaving only a reduced balance extent legally available. Despite this, layout permissions were fraudulently sought and approved for larger extents than legally permissible. Notification for further acquisition was issued in January 2021 (before approval of LP No. 70/2020 in June 2021), yet this was suppressed in VMRDA's layout approval process.

The complainant claims that he and his family's lands have been wrongfully included in the layouts without their authorization, violating their ownership rights and causing direct legal, financial, and administrative harm.

It is further alleged that despite multiple representations, including a formal complaint to the Commissioner of VMRDA with supporting documentary evidence, no action has been taken against the fraudulent sale deeds or approvals. This failure has enabled ongoing sales to innocent buyers who are at risk of being defrauded.

The complainant contends that these approvals violate fundamental requirements under the Real Estate (Regulation and Development) Act, 2016, particularly Section 11(4)(a), which mandates that a promoter must possess valid legal title to the land before advertising or selling plots. The approvals obtained through misrepresentation of ownership constitute a clear breach of these provisions, and the complainant, as an affected landowner whose title is encumbered by such fraud, qualifies as an aggrieved person under Section 31 of the Act.

The complainant prays that this Hon'ble Authority may be pleased to:

(i) Scrutinize and annul the fraudulent layout approvals granted by VMRDA under LP Nos. 10, 24, 55, and 70/2020/1167/VMRDA/DPMS.

(ii) Direct the concerned authorities to conduct a thorough investigation into the fraudulent land transactions and misrepresentations made to obtain the layout approvals.

(iii) Issue public warnings or notices to prevent innocent buyers from being misled into purchasing plots in these illegal layouts.

(iv) Take appropriate legal action against those responsible for perpetrating and facilitating the fraud, including officials who failed in their duty to verify documents before granting approvals.

(v) Grant such other reliefs as may be deemed fit and proper in the interest of justice and public interest.

The respondents (1 to 3) filed counter denying allegations stating that the complainant is neither an "allottee" as defined under Section 2(d) of the Act nor an "aggrieved person" within the meaning of Section 31(1). The respondents submit that the Act was enacted to regulate the sale and transfer of real estate products such as plots, apartments, and buildings, and to ensure transparency and consumer protection in such transactions. According to them, the complainant has not purchased any plot or flat in the layouts developed by the respondents and therefore lacks locus standi to maintain this complaint before this Authority.

The respondents argue that the complaint in substance raises issues of title and ownership of land, which are civil in nature and beyond the jurisdiction of this Authority under the Act. They emphasize that the complainant's grievances pertain to claims of ownership rights without supporting evidence, and do not involve any violation of the provisions of the Act by the respondents.

Further, the respondents stated that all layouts developed by them bearing LP Nos. 10/2020, 24/2020, 55/2020, and 70/2020 of VMRDA were duly approved by the competent planning authority after thorough scrutiny, payment of fees, and compliance with all prescribed conditions. They maintain that the developments are entirely legal and have been verified and certified by the VMRDA, which also issued necessary No Objection Certificates (NOCs) and released the mortgaged plots accordingly.

The respondents also assert that the complainant has filed false, frivolous, and vexatious allegations of fraudulent approvals and tampering of revenue records without any substantiating documentary evidence. They further point out that any historical ownership interest claimed by the complainant's family

was extinguished through surrender proceedings under the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act in the 1970s, with relevant Tribunal orders on record.

Additionally, the respondents highlight that the complainant did not implead over 350 existing purchasers of plots in the approved layouts, rendering the complaint defective for non-joinder of necessary parties. The complaint has been filed with mala fide intent to harass the respondents and obstruct the legitimate rights of bonafide purchasers.

Finally, the respondents have prayed for dismissal of the complaint with exemplary costs, contending that it is devoid of merit, outside the jurisdiction of this Authority, and an abuse of process intended to achieve ulterior motives.

The complainant himself appeared and argued, sri. Yaswanth Karanki, Advocate the counsel for the respondents 1 to 3 appeared and filed their counter, Sri. Somisetty Ganesh Babu, Standing Counsel for VMRDA appeared and filed a counter, for R4 and R5 none appeared.

The complaint primarily raises disputes related to the title and ownership of the land in question and alleges fraudulent layout approvals and illegal encroachments by the respondents 1 to 3.

Section 31(1) of the Act allows an "aggrieved person" to file a complaint before this Authority for violation of the provisions of the Act. However, the complainant does not qualify as an allottee or an aggrieved person within the meaning of the Act. He has not established any contractual or legal nexus with the real estate project registered under RERA.

The dispute concerns the title and identity of land, which is civil in nature and outside the purview of this Authority. The Real Estate Regulatory Authority does not possess jurisdiction to adjudicate upon title disputes, which are the domain of civil courts.

Moreover, the complaint does not demonstrate any violation or contravention of the provisions of the RERA Act and the rules thereunder by the promoter which is the core condition for maintainability under Section 31 of the Act.

In view of the lack of locus standi of the complainant and the civil nature of the dispute regarding ownership of land, this Authority holds that the present complaint is not maintainable under Section 31 of the Real Estate (Regulation and Development) Act, 2016.

The Authority lacks jurisdiction to adjudicate the present matter, and accordingly, the complaint is dismissed without prejudice to the rights of the parties to pursue remedies before the competent civil court.

*As per Section 44 of the Act, an appeal against this order lies before the Real Estate Appellate Tribunal, Andhra Pradesh, within a period of sixty (60) days from the date of receipt of this order.

(Typed as per the dictation of the Authority, corrected and pronounced in open court on this 21st day of July, 2025.)

MEMBER

MEMBER