

ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

Karnataka Real Estate Regulatory Authority,

# 1/14, 2nd Floor, Silver Jubilee Block, Unity Building Backside, CSI Compound,  
3rd Cross, Mission Road, Bengaluru-560027

PROCEEDINGS OF THE AUTHORITY

Dated 04<sup>th</sup> of November 2019

Ref:	CMP/190527/0003122
Complainant	<b>Shri. Syed Soud Khadri</b> No. 34, Sona Palace Apartments (201), Norris Road, Richmond Town, Bengaluru - 560025.
Promoter / Project Name:	<b>Shri Mahaveer Gulecha,</b> Chairman, Sri Nakoda Construction Ltd., No. 133/1, 10 <sup>th</sup> Floor, The Residency, Residency Road, Bengaluru.

The complainant by name **Shri. Syed Soud Khadri**, Bengaluru has filed a complaint under Section 31 of the Act, alleging that the developer of the Project "**Valmark Orchard Square**", J P Nagar, Off Bannerghatt Road, Bengaluru has encroached upon the Government land and to take necessary action to which Acknowledgment number has been allotted as CMP/190527/0003122. This application was filed on 27/05/2019.

**Facts of the Complaint:**

The complainant has alleged against the developer of encroaching upon the Government land and has given a detailed requisition to take necessary action. On 14/08/2019 the case was called before the Adjudicating Officer before whom the complainant was present and had submitted a detailed complaint copy. The complainant has stated in his complaint that in the year 1988, BDA has acquired some land in Kothanur Village and surrounding area for the formation of layout in J P Nagar 8<sup>th</sup> Phase, wherein Sy. No. 80 (80/1, 80/2A, 80/2B) was also acquired and the BDA took position of the land. He has further stated that "As Nakoda Constructions vender's land of 3.5 acres in Sy. No.80 80 (80/2A) was also acquired / published in the Karnataka Gazette preliminary notification dated 23/3/1988, they had filed a writ petition in the Hon'ble High Court of Karnataka, the Hon'ble High Court of Karnataka in its Order dated 28<sup>th</sup> July 1998, W.P. No.30878 to 30881/ 1997 have said that Sri. Kumara Reddy, Sri K Raghava Reddy and Sri. N.G. Jagganatha Raju have acquired ownership in the year 1996 long after the publication of preliminary notification, they have no right to maintain these petitions, hence it was rejected.

*[Signature]*  
4/11/19

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*[Signature]*  
4/11/19



## ಕರ್ನಾಟಕ ರಿಯಲ್ ಎಸ್ಟೇಟ್ ನಿಯಂತ್ರಣ ಪ್ರಾಧಿಕಾರ,

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It was surprising to note that Nakoda Constructions managed to get BBMP license to construct high rise building on encroached 2 acres of BDA land along with his land, when we acquired complete BBMP file of Nakoda Construction under RTI, it was clear that in order to hood wink BBMP and to legitimize there title, they have given a 1997 denotification copy wherein neither his vendor name nor Nakoda Construction name is reflecting, nor the schedule is matching.

Additionally since Nakoda Construction vendors who contested a case in High Court of Karnataka in the year 1997 (WP No : 30878 to 30887/1997) and later they had given a representation to Government of Karnataka: (CM / 535/REP/2002-16/4) in 2002 after their WP was rejected, to notify their land. Hence this denotification copy of the year 1997 is not applicable to the encroached land by Nakoda Constructions."

The complainant is not seeking any personal relief. But, he wants the Authority to take necessary action on the developer for having encroached upon the Government land. The relief sought by the complainant does not fall in jurisdiction of the Adjudicating Officer. Hence, the case is transferred to the Authority.

Accordingly, the Authority heard the case on 19/09/2019 and 30/09/2019. The complainant and the respondent were present on the hearing dates.

The respondent has stated that they have purchased land from one Mrs. Anitha Purnesh in the year 2016. In support of which respondent has produced registered sale document copy, mutation register copy, copy of final notification dated 19/10/1994 issued by the Government, copies of Notification No. UDD / 322 / MNK / 96 dated 13/08/1997 and dated 28/12/2005, copies of change of land use O.M. No. ALN: (SU): SR 68/2006-07, copy of conversion sketch issued by Taluka Surveyor, Bengaluru South Taluk, copy of sale deed dated 05/03/2016 registered vide document No. BGR-1-08357/2015-16 executed by Smt. Anitha Purnesh in favour of M/s. Nakoda Constructions.

Section 31 (1) any aggrieved person may file a complaint with the Authority or the Adjudicating Officer, as the case may be, for any violation or contravention of the provisions of this act or the Rules and Regulations made there under against any promoter, or real estate agent, as the case may be.

In the present case, the relief sought by the complainant is to take necessary action in the public interest as the complainant alleges that the developer has encroached upon Government land. The allegation by the

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complainant is a dispute regarding the ownership of the land. The respondent claims that he purchased land and the competent authority has given approval to start the project. The complainant claims that there is a dispute between BDA and the matter is before the Hon'ble High Court. The complainant has also submitted to this authority stating that land dispute issues was addressed to the Special land Acquisition Officer, BDA; D.C., Land Acquisition, BDA; Commissioner, BDA; S.P., BMTF and advocate notices to BBMP. It means that the complainant has approached respective authorities with regard to land issues.

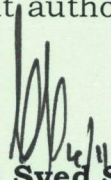
The Authority has also observed that the complainant is not seeking any personal relief and is not an aggrieved person. Therefore, the complainant does not come within the purview of aggrieved person as mentioned in Section 31 (1) of the Act. The present complaint is not sustainable for lack of Jurisdiction and as such we proceed to pass the following

**ORDER**

The complaint filed by the complainant bearing No. CMP/190527/0003122 against the developer M/s. Sri Nakoda Construction Ltd. of the Project "**Valmark Orchard Square**", J P Nagar, Off Bannerghatt Road, Bengaluru is hereby dismissed as this Authority has no jurisdiction to try this matter. The Complainant is at liberty to approach the competent authority for his grievances about land dispute.

  
(D. Vishnuvardhana Reddy)

Member-1  
K-RERA

  
(Adoni Syed Saleem)

Member-2  
K-RERA

  
(M.R. Kamble)

Chairman  
K-RERA