BEFORE THE TAMIL NADU REAL ESTATE APPELLATE TRIBUNAL
(TNREAT)

(Tamil Nadu, Puducherry, Andaman & Nicobar Islands)

Under the Real Estate (Regulation and Development) Act, 2016

Reserved on: 24.08.2026

Delivered on: 02.09.2026

Coram : Hon'ble Mr.Justice M.Duraiswamy, Chairperson
Mr.K.Babu, Judicial Member

Appeal No.53 of 2026

Lalita Krishnamurthy ... Appellant

Vs.

1. M/s.Venkatesh Agro Estates Pvt. Ltd.
rep. by its Authorized Signatory
Ram Gopal Sehgal

2. M/s.Bahri Estates Pvt. Ltd.
rep. by its Managing Director
Hemant Bahri

3. Hemant Bahri
Managing Director of M/s.Bahri Estates Pvt. Ltd ... Respondents

Appeal has been filed under Section 44 of the Real Estate (Regulation and Development) Act, 2016 (i) to set aside the order dated 01.04.2026 in C.C.P.No.13 of 2025 on the file of the learned Adjudicating Officer, Tamil Nadu Real Estate Regulatory Authority (TNRERA) and allow the complaint as prayed for; (ii) to direct the respondent to pay compensation of Rs.43,01,892/- for the loss incurred in

purchasing the Villa from the respondents; (iii) to direct the respondents to pay compensation of Rs.10,00,000/- for amount spent on interior decoration and (iv) to direct the respondents to pay a sum of Rs.10,00,000/- towards mental agony.

For Appellant : Mr. R.Ramasubramaniam Raja
For Respondents : Mr.Anil Relwani

ORDER

Challenging the order passed in C.C.P.No.13 of 2025 dated 01.04.2026 on the file of the learned Adjudicating Officer, TNRERA, the complainant has filed the above appeal.

2. The brief case of the complainant is as follows:

The 1st respondent is the land owner, 2nd respondent is the developer, 3rd respondent is the Managing Director of the 2nd respondent Company. The 1st respondent developed the real estate project in the name of "Bahri Beautiful Country". The appellant/complainant purchased a Villa from the respondents by paying an advance amount of Rs.2,00,000/-. The consideration for the purchase of Plot was Rs.17,55,250/- and the construction cost was fixed at Rs.24,58,642/-. Apart from that, the appellant/complainant was charged Rs.88,000/- for power back up. The appellant/complainant entered into Plot Buyer Agreement and Construction Agreement on 06.10.2014. On 11.12.2014, the respondents 1 & 2 executed Sale Deed and Construction Agreement in favour of the appellant/complainant. The

appellant/complainant took possession of the Villa in September 2015 and she has been in possession of the Villa till date.

3. While that being so, the appellant/complainant was shocked to learn that the Periyakulam Revenue Divisional Officer cum Sub-Divisional Magistrate had passed an order dated 04.07.2023 stating that the subject property is a Panchami Land and had cancelled the patta in the name of the appellant/complainant. Hence, the title of the subject property becomes defective. In the Writ Petitions in W.P.(MD) Nos.30607 to 30609 of 2023 filed by some of the allottees before the Hon'ble Madurai Bench of Madras High Court for quashing the order of the Periyakulam Revenue Divisional Officer cum Sub-Divisional Magistrate, an order of interim stay was granted by the Hon'ble Madurai Bench of Madras High Court. Since there is a cloud created over the title of the land in which the project has been developed, the appellant, having no other option except to file a complaint under Section 18(2) of the RERA Act claiming compensation for the defective title.

4. The brief case of the respondents are as follows:

All the averments in the complaint are specifically denied in the counter, except those expressly admitted. According to the respondents, the 1st respondent is the lawful owner of the property measuring an extent of 1.90 acres in Genguvarpatti Village, Periyakulam Taluk, Theni District and proper patta was also issued. A Joint Development Agreement dated 12.11.2007 and a Power of Attorney dated 25.03.2010 were entered into between the respondents 1 & 2. The 2nd respondent was authorized

to develop the land into a real estate project. The 2nd respondent formulated a plotted layout project in the name of "Bahri Beautiful Country" and got the DTCP approval vide No.13/2009. Pursuant to the approval, the 2nd respondent executed a Gift Deed in favour of the Panchayat on 15.04.2009 and handed over open spaces and roads as per the DTCP conditions. The appellant and the 2nd respondent entered into registered Sale Deed and Construction Agreement and the possession was handed over in the month of September 2015. The appellant/complainant was in continuous possession and enjoyment of the Villa for the past several years and also obtained patta in her name and has been paying property tax and electricity consumption charges on her own. Challenging the order passed by the Periyakulam Revenue Divisional Officer cum Sub-Divisional Magistrate, several plot owners, including the appellant, filed Writ Petitions before the Hon'ble Madurai Bench of Madras High Court in W.P.(MD) Nos.30607 to 30609 of 2023. In the said Writ Petitions, interim stay has been granted and no conclusion has been arrived at with regard to defective title so far. The Writ Petitions are still pending before Hon'ble Madurai Bench of Madras High Court. The present complaint filed by the appellant/complainant is wholly premature and until, the Hon'ble High Court renders a final verdict in the above said Writ Petitions it cannot be stated that title of the land is defective. The appellant/complainant is estopped from alleging fraud or defective title after having enjoyed the possession of the Villa for nearly a decade. The claim of Rs.43,01,892/-, being the entire amount of the Villa, Rs.10,00,000/- towards interior decoration of

the Villa and another Rs.10,00,000/- towards mental agony is baseless, exaggerated and unsustainable. According to the respondents, the claim is nothing but an attempt for unjust enrichment. Hence, they prayed for the dismissal of the complaint.

5. Before the Adjudicating Officer, on the side of the complainant, she was examined as C.W.1 and 12 documents, Exs.A1 to A12 (Ex.A8 & Ex.A10 series) were marked. On the side of the respondents, there was neither oral nor documentary evidence adduced.

6. Heard Mr.R.Ramasubramaniam Raja, learned counsel appearing for the appellant and Mr.Anil Relwani, learned counsel appearing for the respondents.

7. The main contention of the learned counsel appearing for the appellant is that the appellant had purchased a Villa in the project "Bahri Beautiful Country" developed by the 2nd respondent in the land belonging to the 1st respondent and the 3rd respondent is the Managing Director of the 2nd respondent Company. As per the Sale Deed and Construction Agreement dated 11.12.2014, the Villa was handed over to the appellant/complainant in September 2015. The appellant/complainant was in possession and enjoyment of the subject Villa by paying electricity charges, property tax, etc. Whileso, the Revenue Commissioner and Sub-Divisional Magistrate, Periyakulam passed an order on 04.07.2023 cancelling the classification of the land in respect of Survey No.420 situated at G.Kallupatti, Genguvarpatti Village, Periyakulam Taluk, Theni District as Panchami Land belonging to the Government. Hence, the

appellant contended that the respondents sold the land with defective title to her which causes not only mental agony, but also monetary loss to her. Hence, the complaint has been filed by the appellant claiming compensation of Rs.43,01,892/- for the loss incurred in purchasing the subject Villa, Rs.10,00,000/- as compensation for interior decoration and Rs.10,00,000/- for mental agony and costs. The learned counsel appearing for the appellant contended that the said complaint was dismissed by the Adjudicating Officer, TNRERA without any valid reasons and holding that the appellant is not entitled to get the compensation, since she had been enjoying the possession of the Villa from 2015 and now claiming compensation and also the cost of the Villa under Section 18(2) of the RERA Act, is not sustainable unless the title dispute is finally decided by the Hon'ble Madurai Bench of Madras High Court and the same is liable to be set aside.

8. On the other hand, learned counsel appearing for the respondents contended that the claim of the learned counsel appearing for the appellant is not sustainable. The claim made by the appellant is premature. Already Writ Petitions in W.P.(MD).Nos.30607 to 30609 of 2023 filed before the Hon'ble Madurai Bench of Madras High Court are pending and interim stay of cancellation of Patta was also granted in those Writ Petitions. Whileso, even before the disposal of the said Writ Petitions relating to the title of the land claiming compensation under Section 18(2) is not maintainable. Hence, the learned counsel submitted that the learned

Adjudicating Officer, after considering all circumstances, rightly dismissed the complaint.

9. It is not in dispute that the appellant/complainant had purchased a Villa in the project "Bahri Beautiful Country". The entire Sale Consideration had been paid by the appellant/complainant and she had taken possession of the Villa in September 2015. After taking possession of the Villa, the appellant/complainant has been in possession and enjoyment of the subject Villa by paying all revenue dues.

10. It is also not in dispute that the Periyakulam Revenue Divisional Officer cum Sub-Divisional Magistrate by order dated 04.07.2023 had declared the land in Survey No.420 in which the lands of the appellant and other allottees are located as Government Panchami land. Challenging the same, some of the allottees filed Writ Petitions in W.P.(MD). Nos.30607 to 30609 of 2023 to quash the order passed by the Revenue Divisional Officer and Sub-Divisional Magistrate, Periyakulam and an order of interim stay was also granted by the Hon'ble Madurai Bench of Madras High Court and the Writ Petitions are pending.

11. There is no dispute that the Villa was handed over to the appellant/complainant in the year 2015 and the appellant/complainant was in possession of the Villa by paying taxes, whileso, the project cannot be said to be an ongoing project.

12. Moreover, with regard to the title of the land the matter is subjudice before the Hon'ble Madurai Bench of Madras High Court in W.P.(MD).Nos.30607 to

30609 of 2023. It is also pertinent to note that the appellant, though is also aggrieved over the order passed by the Revenue Divisional Officer, Periyakulam dated 04.07.2023 has not filed any separate Writ Petition challenging the said order. Only three allottees have challenged the order dated 04.07.2023 in W.P.(MD).Nos.30607 to 30609 of 2023. In any event, Hon'ble Madurai Bench of Madras High Court had granted an order of interim stay of the order dated 04.07.2023 in those Writ Petitions and the Writ Petitions are pending consideration. In the event of the Hon'ble Madurai Bench of Madras High Court confirming the order passed by the Revenue Divisional Officer, Periyakulam dated 04.07.2023, the appellant shall have right to claim compensation from the respondents for the defect in title under Section 18(2) of the Act. The Adjudicating Officer has rightly come to the conclusion that the complaint filed by the appellant is premature.

13. The appellant is entitled to claim the compensation under Section 18(2) of the Act only if the right to file the complaint accrues. The right to file the complaint accrues to the appellant/complainant only when the title of the land which she had purchased from the respondents is found to be defective.

14. In such circumstances, the appellant/complainant shall have the right to claim compensation under Section 18(2) of the RERA Act only after the final verdict of the Hon'ble Madurai Bench of Madras High Court in the above referred Writ Petitions, with regard to the title. In the event of the Hon'ble Madurai Bench of Madras High Court confirming the order dated 04.07.2023 passed by the Revenue Divisional

Officer, Periyakulam declaring the project land as Government Panchami lands, the appellant shall have a right to claim compensation under Section 18(2) from the respondents for having sold the land and Villa with defective title.

15. We do not find any reason to interfere with the order passed by the learned Adjudicating Officer, TNRERA. Accordingly, the appeal is dismissed with the above observations.

Sd/- xxxx
JUSTICE M.DURAISWAMY
CHAIRPERSON
02.09.2026

Sd/- xxxx
K.BABU
JUDICIAL MEMBER
02.09.2026

Copy to

1. The Adjudicating Officer, TNRERA

2. M/s.Venkatesh Agro Estates Pvt. Ltd.
   rep. by its Authorized Signatory
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   Also having office at
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3. M/s.Bahri Estates Pvt. Ltd.
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