

JHARKHAND REAL ESTATE REGULATORY AUTHORITY

IN THE COURT OF CHAIRMAN, RERA

Present ----- Ranjeet Kumar Choudhary

Dated Ranchi the 17th day of July, 2023

Complaint Case No. 17 of 2022

Raja Gautam,

R/o- Flat No. 302,

Swastik Apartment,

3rd Floor, Gulmohar Park Marg,

Lalpur, Ranchi

-----Complainant

-Versus-

Smt. Lalmani Prasad,

R/o- Flat No. 105,

Surya Vihar Apartment,

Exhibition Road, Gandhi Maidan,

Patna, Bihar

--- Respondent

Complainant Represented through

--- Mr. Anil Chandra Mahto,
Ld. Advocate

Respondent represented through

--- None



JUDGMENT

1. The instant Complaint has been brought by Complainant Raja Gautam against the Respondent Smt. Lalmani Prasad with a prayer to direct the Respondent to allot him the car parking space.
2. As per materials available on the case record, it is the case of the Complainant that on 21.04.2015, he purchased Flat No. 302, 3rd Floor in the project of the Respondent namely "Swastik Apartment" situated at Lalpur, P.S.- Lalpur, Dist.- Ranchi having an area of 1325 sq. ft. In the sale deed, there was reference of one car parking space but Respondent has not provided the same to the Complainant. Hence this case.
3. On being noticed, Respondent did not appear before the Authority and vide the Order dated 14.02.2023, case record was fixed for ex-parte hearing.
4. The only point arising out of this case for determination is whether the Complainant is entitled for relief as claimed ?

FINDINGS

5. Perusal of case record shows that Complainant had engaged one Anil Chandra Mahto, Ld. Advocate to conduct his case but he himself argued the case. Complainant has submitted that in the sale deed executed by the Respondent, there was reference of one car parking space but it has not been allotted to him. He has further submitted that



proportionate share of land has also not been given to him. Hence, he has prayed that Respondent may be directed to provide him car parking space and also allot him proportionate share of super built-up area.

6. Heard and perused the case record. Also perused the documents filed by the Complainant. Complainant has filed deed of absolute sale dated 21.04.2015 by which he purchased a flat in “Swastik Apartment” belonging to the Respondent. Perusal of Page No. 8 and 9 of the sale deed indicates that proportionate share of land (435.6 sq. ft.) has also been registered in favour of the Complainant. In the sale deed there is reference of car parking space also in the ground floor of the apartment. The Complainant has filed one car parking allotment letter. It means that car parking space has been allotted to the Complainant. At best it can be said that Complainant has not get the possession of car parking space but it cannot be said that car parking space has not been allotted to him.

7. In the circumstances, I come to this conclusion that present case filed by the Complainant has no merit. Accordingly, the case is dismissed ex-parte. However, direction is given to the Respondent to give possession of car parking space to the Complainant.

