APHC010409852018

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3333]
(Special Original Jurisdiction)

WEDNESDAY, THE 15th DAY OF JULY 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 18956/2018

Between:

1. K.TUKARAM, S/O K.SUBBA RAO AGED ABOUT 40 YEARS, OCC. BUSINESS, R/O H.NO. 45/24/M, ASHOK NAGAR, KURNOOL CITY, KURNOOL DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REGISTRATION AND STAMPS DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI GUNTUR DISTRICT.
2. THE JOINT SUBREGISTRARI, KURNOOL, KURNOOL DISTRICT.
3. M MANORAMA, W/O M.SHIVAPRASAD, AGED 56 YEARS, R/O H.NO. 87/516, SRINAGAR COLONY KURNOOL CITY, KURNOOL DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the 2nd respondent in registering the cancellation of General Power of Attorney bearing Doc.No. 6504/2014 dt. 9-10-2014 cancelling the registered General Power of Attorney bearing Doc.No.1164/2014 dt. 3-3-2014, without any

authority or jurisdiction as being illegal, arbitrary, unilateral and unconstitutional and consequently declare the Cancellation of GPA bearing Doc.no. 6504/2014 dt. 9-10-2014 as null and void in terms of the Judgment passed in W.P.No. 20683 of 2012 and bach dt. 7-4-2016 and W.P.No. 24073 of 2009 dt. 22-3-2017, and to grant

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Cancellation of General Power of Attorney bearing Doc.No. 6504/2014 dt 10.09.2014, pending disposal of the main Writ Petition, and to pass

Counsel for the Petitioner:

1. V JAYASREE

Counsel for the Respondent(S):

1. GANDYADAPU RAJESHAM
2. GP FOR REGISTRATION AND STAMPS (AP)

The Court made the following:

ORDER:

This Writ Petition came to be filed under Article 226 of the Constitution of India, seeking the following prayer:

> "…to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the 2nd respondent in registering the cancellation of General Power of Attorney bearing Doc.No. 6504/2014 dt. 9-10-2014 cancelling the registered General Power of Attorney bearing Doc.No.1164/2014 dt. 3-3-2014, without any authority or jurisdiction as being illegal, arbitrary, unilateral and unconstitutional and consequently declare the Cancellation of GPA bearing Doc.no. 6504/2014 dt. 9-10-2014 as null and void in terms of the Judgment passed in W.P.No. 20683 of 2012 and bach dt. 7-4-2016 and W.P.No. 24073 of 2009 dt. 22-3-2017, and to grant…"

2. It is the case of the petitioner that the 3rd respondent, being the absolute owner of the land admeasuring Acs.2.54 cents in Sy.No.109/B2 situated at Munagalapadu village, Kurnool mandal and district, executed a registered General Power of Attorney bearing Doc.No.1164/2016, dated 03.03.2014 appointing the petitioner and another as her General Power of Attorneys for developing the said land into house plots. Subsequently, the petitioner and his friend developed the said land and paid Rs.86,06,000/- to the 3rd respondent on different dates.

3. While so, when the petitioner approached the 2nd respondent seeking information with regard to the stamp duty and registration charges applicable for registering sale deeds in favour of purchasers of plots, he was informed that the General Power of Attorney executed by the 3rd respondent has been cancelled vide document bearing No.6504/2014, dated 10.09.2014, unilaterally. Aggrieved by the said action of the respondent authorities, the present writ petition is filed.

4. Heard Mrs. V. Jayasree, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

5. Perused the entire material available on record. It is the case of the petitioner that the 3rd respondent, vide a registered General Power of Attorney bearing document No.1164/2016, dated 03.03.2014 has appointed the petitioner and one Sri. G. Ramakrishna Yadav as general power of attorneys to develop the land into plots and for sale of the same. However, the petitioner, subsequently came to know that the General Power of Attorney executed by the 3rd respondent has been cancelled vide cancellation of General Power of Attorney bearing Doc.No.6504/2014, dated 10.09.2014, without his consent. For better appreciation of the case, Sections 201 and 202 of the Indian Contract Act, 1872 is extracted hereunder:

> 201. Termination of agency.—An agency is terminated by the principal revoking his authority;

> or by the agent renouncing the business of the agency; or by the business of the agency being completed; or by either the principal or agent dying or becoming of unsound mind; or by the principal being adjudicated an insolvent under the provisions of any Act for the time being in force for the relief of insolvent debtors.
>
> 202.Termination of agency, where agent has an interest in subject-matter.—Where the agent has himself an interest in the property which forms the subject-matter of the agency, the agency cannot, in the absence of an express contract, be terminated to the prejudice of such interest.

6. The Hon'ble Apex Court, in ***M.S. Ananthamurthy and another Vs. J. Manjula and others***[1]***,*** held that Section 201 of the Indian Contract Act prescribes various ways of revocation of authority given by the principal to his agent. A principal can terminate the contract of agency unless such revocation is precluded by Section 202 of the Contract Act. Section 202 of the Contract Act, as an exception to the general rule under Section 201, prescribes that where an agent has himself an interest in the property which forms the subject-matter of the agency, the agency cannot be terminated to the prejudice of such interest unless there is an express stipulation to the contrary. Illustration (a) to Section 202 of the Contract Act states that A (principal) has given authority to B (agent) to sell A's land, and to pay himself i.e. the agent,

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from the proceeds the debt which is due to him from A. Illustration (b) states that A (principal) has consigned 1000 bales of cotton to B (agent), who has given an advance on the bales of cotton. Now, A wishes B to sell the cotton and recover his advance from the sale proceeds. In both the cases, A can neither revoke the authority nor agency will be terminated by his insanity or death. It is important to take a note that in both the cases, the agent has an interest vested in the subject-matter of the agency. The factum of interest or security of the agent, in both cases, does not imply that the agent's right to remuneration constitutes an interest in the subject-matter of the agency; rather, it extends beyond the mere advancement of remuneration or commission. Where Power of Attorney is coupled with an interest, it metamorphosises to an irrevocable agency unless expressly stated otherwise. There an agent's right to remuneration is not an interest in the subject-matter of the agency.

7. Therefore, the essentials of Section 202 of the Contract Act are, first, there shall be a relationship in the capacity of “principal and agent” between the parties and secondly, there shall be agent's interest in the subject-matter of the agency. If both the conditions are fulfilled the agency becomes irrevocable and cannot be terminated unilaterally at the behest of the principal. In the case on hand, the document bearing No.1164/2016, dated

03.03.2014 would disclose that the petitioner and another were appointed as General Power of Attorneys by the 3rd respondent for developing the subject land into plots and for sale of the same, thus, it can be held that both the conditions are satisfied.

8. Furthermore, in similar circumstances, a Division Bench of the High Court for the State of Telangana and the State of Andhra Pradesh in Writ Petition Nos.20683/2012 & 2192/2023, dated 07.04.2016 held as follows:

> "Thus, having regard to the law laid down by the Supreme Court and provisions of the Act, in our opinion, whenever registered documents such as Development Agreement-cum-GPA, is sought to be cancelled, execution and registration of such a document/deed must be at the instance of both the parties i.e., bilaterally and not unilaterally. If a deed of cancellation is allowed to be registered without the knowledge and consent of other party to the deed/document, sought be cancelled, such registration would cause violation to the principles of natural justice and lead to unnecessary litigation, emanating therefrom. In any case, as stated earlier, in the absence of any provision specifically empowering the Registrar to entertain a document of cancellation for registration without the signatures of both the parties to the document, the deed cannot be entertained. Moreover, if the Registrars are allowed to entertain a deed of cancellation for registration without signatures of both the parties to the document sought to be cancelled, such power would tantamount to conferring the power to decide disputed questions between the parties. No party to

> the document would ever approach for cancellation of registered document unilaterally unless there is a dispute with the other party in respect of the subject matter of the document".

9. In view of the settled principles of law referred above and having regard to the facts and circumstances of the case, a General Power of Attorney cannot be cancelled unilaterally, more particularly when the agent has accrued interest over the same. In the case on hand, the petitioner herein has developed the subject property owned by the 3rd respondent on his own expenses and when the said properties are ready for registration in favour of its purchasers, the petitioner came to know that the General Power of Attorney executed in his favour was cancelled unilaterally. The action of the 2nd respondent in registering the cancellation of General Power of Attorney bearing Doc.No.6504 of 2014, dated 10.09.2014 in cancelling the registered General Power of Attorney bearing Doc.No.1164/2014, dated 03.03.2014 is against the principles of natural justice.

10. In such circumstances, if the petitioner is aggrieved by the cancellation of such document, he may approach the competent Civil court for cancellation of such document. In view of the above, the writ petition is disposed of, leaving it open to the petitioner to approach the competent Civil Court challenging the registration of cancellation of

General Power of Attorney bearing Doc.No.6504/2014, dated 10.09.2014, by raising all the contentions as raised herein. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Petition shall stand closed.

JUSTICE V.SUJATHA

15.07.2026
Gss