

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

* * *

WRIT PETITION No. 37785 of 2015

BETWEEN

K.Lalitha

... PETITIONER

AND

The State of Telangana, rep. by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 20.11.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether his Lordship wish to see the Yes/No

fair copy of the Judgment?

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ORDER:-

Heard learned counsel for the petitioner and learned government pleader for Revenue.

2. Petitioner states that he executed a General Power of Attorney (GPA) and registered the same as Document No.4242/11 with the third respondent. Petitioner seeks cancellation of the said GPA. However, the third respondent is stated to have declined to receive the document and process the same. Complaining the same, the present writ petition is filed.

3. A perusal of the GPA, which is filed as Ex.P2, shows that it is only a power of attorney authorising the attorney to do several acts viz., power to sell, mortgage etc. However, the said document does not show that any interest in the property is created in favour of the attorney and thereby, *prima facie*, the power of attorney is revocable and can be received and processed by the third respondent. This court has already held in number of matters that the registering authority cannot refuse to receive and process the document.

4. This writ petition is accordingly disposed of directing the third respondent to receive and process the document presented by the petitioner. The third respondent is further directed to receive and process the document in accordance with the Registration Act, 1908 and the Indian Stamp Act, 1899 and if the document is in conformity with the provisions, thereafter register and release the document in accordance with the due procedure. It is also made clear that in the event of registering authority not being satisfied with the compliance under the Registration Act or the Stamp Act, appropriate refusal endorsement together with reasons shall be recorded and communicated to the parties in terms of Section 71 of the Registration Act.

As a sequel, the miscellaneous applications, if any, shall stand dismissed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

November 20, 2015

Note: -

Furnish copy by 23.11.2015

{B/o}

LMV