

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.32990 OF 2015

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

Aggrieved by the General Power of Attorney (GPA), dated 06.06.2011, registered as Document No.9 of 2011 by the Sub-Registrar, Gurajala, Guntur District, the 2nd respondent, the petitioner has already filed a suit in O.S.No.76 of 2011 before the II Additional District Judge, Narasaraopet, for cancellation of the said GPA. Though the said suit is pending, stating that the said GPA is fraudulent and null and void, the petitioner made a representation, Ex.P2, to the Director General, Stamps and Registration (actually it should have been the Inspector General of Stamps and Registration) in August, 2015, requiring him to cancel the said document. The present Writ Petition is filed alleging inaction on the part of the 2nd respondent though the said representation is stated to have been addressed to the Inspector General of Stamps and Registration.

I am unable to see any reason to issue such a direction, as the registering authority does not have any such power to cancel a registered document on its own, particularly when the very issue is sub-judice in the civil suit, referred to above.

Hence, directing the Inspector General, Stamps and Registration to take action on the representation of the petitioner would amount to asking the Inspector General of Stamps and Registration to adjudicate on the very issue, which is pending before the civil Court, and pass a decree in favour of the petitioner. Hence, the direction as sought for by the petitioner cannot be given and the remedy the

petitioner has, as on today, appears to be only to seek disposal of the said suit.

The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

08.10.2015

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