

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.25355 of 2005

Date: 03-11-2015

Between:

Hanumathu Suneetha and 2 others

.... Petitioners

AND

The Sub-Registrar, Ponduru, Srikakulam

District and 4 others

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.25355 of 2009

ORDER:

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

Challenging the action of the 1st respondent in unilaterally registering the Cancellation Deed No.1499 of 2005 on 02-06-2005 to cancel the Registered Agreement of sale deed-cum-General Power of Attorney No.24/2004 dated 17-01-2004, the present writ petition came to be filed.

The factual matrix leading to filing of the writ petition is that respondents 2 to 5 offered to sell the land admeasuring Ac.4.00 cents in Survey No.154/21, Kusalpuram village, Etcherla Mandal, Srikakulam District for valuable sale consideration. Pursuant to the same, the petitioners agreed to purchase the same for a valuable consideration and paid the entire sale consideration to the

respondents 2 to 5. It is said that on receipt of the sale consideration, the respondents 2 to 5 delivered vacant physical possession of the land and executed a registered agreement of sale-cum-General power of attorney dated 17-01-2004 in favour of the petitioners. Thereafter, the respondents 2 to 5 are alleged to have executed a cancellation deed before the 1st respondent to cancel the agreement of sale-cum-General Power of Attorney dated 17-01-2004 vide document No.24 of 2004. The 1st respondent, without any power or authority registered the said cancellation deed dated 18-05-2005 bearing document No.1499 of 2005. Challenging the said action of the 1st respondent, the present writ petition came to be filed.

Though various grounds are raised in the writ petition, having regard to the endorsement made by the 1st respondent, the learned counsel for the petitioners stated that the petitioners would work out their remedies before the Civil Court.

It may be useful to refer the endorsement made by the 1st respondent, which is as under:

“I hereby certify that the document (cancellation deed) was merely registered under the provisions of law Registration Act, 1908, though such unilateral cancellation is not VALID IN THE EYE OF LAW until annulled by the Competent Court of Law and the Buyers can seek redressal in a Court of law, if aggrieved by the Cancellation Deed”.

In view of the endorsement made by the 1st respondent, this Court is of the opinion that it will be just and proper to direct the parties to the dispute to work out their remedies before a Competent Civil Court.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 03-11-2015

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