

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

* * *

WRIT PETITION No. 26846 of 2015

BETWEEN

Prema Samajam

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary,
Revenue (Stamps & Registration) Department and others

...RESPONDENTS

Date of Order pronounced: 24.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard.

2. Petitioner questions the refusal order passed by the Registrar on 18.06.2015 declining to register the cancellation of lease deed proposed by the petitioner as per the document executed on 15.04.2015 and presented for registration on 26.05.2015. The reason for refusal passed by the Registrar is the lessee, in whose favour the lease deed was earlier cancelled, has not appeared and consented for cancellation. The said order was passed under Rule 26 of the Rules framed under the Registration Act and the order of refusal is questioned in this writ petition.

3. After hearing the learned counsel for the petitioner, I am of the view that firstly, petitioner does not exhaust the appellate remedy available to him under the Registration Act and secondly, the lease deeds of the years 2003 and 2004, which are in favour of the lessee, are now sought to be cancelled by the petitioner by executing a cancellation deed and on the face of it, the document appears unilateral. Learned counsel submits that the proviso to Rule 26(k) permits the Registrar to register the document.

4. I am unable to accept the same as the petitioner cannot equate himself to an Endowments Department nor read the proviso to Rule 26 to cover his case. A reading of the said proviso shows that the Registrar will dispense with the Registration under Rule 26(k) only in case of document being executed by a Civil Judge or a Government Officer competent to execute Government orders. Since petitioner does not fall in any of the categories, I cannot approve the unilateral cancellation of lease deed behind the back of the lessee.

Writ petition is therefore declined to be entertained and is accordingly dismissed. If the petitioner so chooses, he may avail the appellate remedy. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 24, 2015
LMV

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No. 20611 of 2015

July 31, 2015

LMV