

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.21230 of 2016

ORDER

This writ petition is filed seeking to declare the action of the 2nd respondent in proposing to receive and entertain the document presented by the 3rd respondent for registration in respect of the premises bearing No.12-2-800/230 admeasuring 200 square yards situated at Dilshad Nagar Colony, Hyderabad, in spite of the representation dated 02.06.2016 filed by the petitioner, as illegal and arbitrary.

2. Heard learned counsel for the petitioner and learned Government Pleader for respondents 1 and 2.

3. The case of the petitioner is that she is the absolute owner of the premises bearing H.No.12-2-800/230 comprising of ground and semi-finished first floor admeasuring 200 square yards situated at Dilshad Nagar Colony, Hyderabad, having acquired the same by virtue of an oral gift deed from her sister and she has been in possession and enjoyment of the same. While so, the 4th respondent, who is none other than her son, with a malafide intention to grab the said property, obtained her signature on the General Power of Attorney vide Doc.No.4315/2015 dated 05.10.2015, by making a false representation. Petitioner states that when she was admitted in Hospital for treatment, the 4th respondent sold away the property by executing a registered sale deed in favour of the 3rd respondent vide Doc.No.1845/2016 dated

11.04.2016 based on the General Power of Attorney. Petitioner further states that after discharge from the hospital, she found the 3rd respondent in possession of her property. Hence, she submitted a written complaint dated 02.06.2016 before the 2nd respondent requesting not to receive and entertain any document pertaining to the property in question. Even thereafter, the 2nd respondent is entertaining the document presented by the 3rd respondent. Apprehending that the 3rd respondent would sell away the property, the petitioner filed the present writ petition.

4. Learned Assistant Government Pleader appearing for respondents 1 and 2 submits that since the petitioner herself executed the General Power of Attorney in favour of the 4th respondent, no direction can be issued in the writ petition and it is for the petitioner to file a suit for cancellation of said document under Section 31 of the Specific Relief Act, 1963.

5. The petitioner herself admitted that the 4th respondent being her son obtained her signature on the General Power of Attorney by making a false representation and based on the same, he sold away the property in question in favour of the 3rd respondent. The validity or otherwise of the said document cannot be gone into in the writ petition and it is for the petitioner to approach the competent Court under Section 31 of Specific Relief Act, 1963, for setting aside the said document.

6. With the above observation, the Writ Petition is dismissed.

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

A. RAJASHEKER REDDY, J.

1st July, 2017

sj