

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.39423 of 2013

ORDER:

The case of the petitioners is that the 4th respondent executed registered gift settlement deed on 21-08-2006 in favour of the 1st petitioner and unilaterally the same was cancelled by cancellation of gift settlement deed dated 06-11-2013. Basing on the same, the 4th respondent executed registered sale deed dated 07-11-2013 in favour of the 5th respondent vide document No.2477 of 2013 and the same is also invalid. Hence, the writ petition is filed.

Learned counsel for the petitioner says that there cannot be any unilateral cancellation of registered document as per the judgment of this Court in **Haji Mohammed Ahmed v. State of Andhra Pradesh and others¹**.

Though notice is served on the un-official respondents, there is no appearance. Heard learned Assistant Government Pleader for Revenue.

In para No.3 of judgment cited supra, this Court held as follows:

The Supreme Court, in *Thota Ganga Laxmi v. Government of A.P.* judgment in C.A.No.791 of 2007 and Batch, held that if any sale deed is required to be cancelled, the only remedy is by way of a civil suit

¹ 2012(2) ALD 230

for cancellation, but no cancellation deed can be unilaterally executed or registered. The Supreme Court, after referring to Rule 26(i)(k) of the Registration Rules, held that it is only when the earlier sale deed is cancelled by a competent Court can a cancellation deed be registered that too after notice to the concerned parties; and unilateral cancellation of the sale deed, as well as registration thereof, were wholly void, *non est* and meaningless transactions. The observation of the Supreme Court, aforementioned, made in the context of sale deeds would equally apply to unilateral cancellation of gift deeds also. Unilateral cancellation of the gift deed in the present case therefore be, and is, declared to be void. It is made clear that this order will not preclude the respondent from invoking the jurisdiction of the competent civil Court for cancellation of the subject gift deed.”

In view of the same, the writ petition is allowed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

01-09-2016

Note: Office to communicate a copy of this order to the concerned Sub-Registrar.

(B/o.)
Nvl



