

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45697 OF 2016

ORDER:

This writ petition is filed declaring the action of the 2nd respondent in canceling the registered document bearing No.331/2013 dated 02.09.2013, as illegal and arbitrary and for a consequential direction to the 2nd respondent to cancel the document bearing No.542 of 2016, Book No.IV, dated 01.12.2016 registered in the office of the 2nd respondent.

Heard both sides.

In the present case, the document cancelled by the respondents 3 and 4 is neither a sale deed nor a registered gift deed, it is only a GPA. Admittedly, petitioner's counsel has not disputed that the petitioner has alternative remedy under Section 31 of the Specific Relief Act, 1963 (for short 'the Act').

In view of the same, the dispute raised by the petitioner cannot be decided in the writ petition by exercising power under Article 226 of Constitution of India.

Accordingly, the writ petition is dismissed. However, it is open for the petitioner to avail alternative remedy available under Section 31 of the Act. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

27.12.2016
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A.RAJASHEKER REDDY, J