

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 4579 of 2009

Order:

The petitioners 2 to 5 are the sons and daughters of petitioner No.1 and late Babu Rao. They filed the present Writ Petition stating that late Babu Rao during his life time purchased an open Plot bearing No.533-A, admeasuring 300 sq. yards, situated in Survey No.323/4 of Tellapur village and Grampanchayat, Sangareddy Taluk, Medak district from the fourth respondent Society under a registered sale deed dated 03.05.1983. Thereafter, the fourth respondent executed a cancellation deed on 06.04.2005, which was registered as document No.3964 of 2005 by the fifth respondent. After receipt of the said information, the petitioners obtained a copy of the deed of cancellation dated 06.04.2005 and filed the present Writ Petition.

The issue with regard to unilateral cancellation of a sale deed was considered by the Full Bench of this Court in Yanala Malleshwari v. Ananthula Sayamma¹ and held that the Writ Petition is not maintainable for cancellation of an instrument which purports to nullify a sale deed and the person aggrieved has to approach the Civil Court. The said Full Bench decision of this Court was referred in a decision of the Hon'ble Supreme Court reported in Satya Pal Anand v. State of Madhya Pradesh², with approval.

In view of the same, the present Writ Petition is dismissed leaving it open to the petitioners to challenge the deed of cancellation in a

¹ AIR 2007 AP 57

² (2016) 10 SCC 767

competent Civil Court, if they are so advised. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 13.07.2017
Nsr

