

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.19175 of 2012

ORDER:

This writ petition is filed by the petitioner challenging the acts of the 1st respondent in registering Document No.3851 of 2009, dated 14.12.2009 cancelling the Gift Deed dated 07.02.2007 executed in favour of the petitioner by the mother of respondents 2 and 3 by name Fatima Begum.

Though notices by registered post with acknowledgment due were taken out to respondents 2 and 3, they have been returned with endorsement that the addressees have refused. Therefore, they are deemed to be served.

Counsel for the petitioner relied on the judgment in **Haji Mohammed Ahmed v State of Andhra Pradesh and others**¹ wherein this Court held that unilateral cancellation of gift deed by execution of cancellation deed, without notice to the petitioner/donee, is void and illegal and that the only option available to the executant of the gift deed is to approach the Civil Court for cancellation of the Gift Deed.

Government Pleader for Revenue appearing for the 1st respondent does not dispute this legal position.

In the present case, Smt Fatima Begum had executed a Gift Settlement Deed on 07.02.2007 in favour of the petitioner and the same was unilaterally cancelled by executing the document dated 14.12.2009, which has been registered by the 1st respondent as

¹ 2012(2) ALD 230

document No.3851 of 2009. Since admittedly this has been done without notice to the petitioner, in view of the decision referred to above, I hold that the action of the 1st respondent in registering the said cancellation deed being document No.3851 of 2009 is not valid and the said cancellation deed is accordingly set aside.

Accordingly, the writ petition is allowed. There shall be no order as to costs.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

Date: 12.04.2017
kvrn

JUSTICE M.S.RAMACHANDRA RAO

