

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.28566 of 2007

ORDER

Heard learned counsel appearing for the petitioners and learned Government Pleader appearing for the 1st respondent.

The petitioners wanted to develop the property belonging to the 2nd respondent in an extent of 1196 square yards in Sy.Nos.632 & 633 of Peddammagadda, Hanumakonda Village & Mandal, Warangal District. Accordingly, the 2nd respondent agreed to execute an agreement of sale cum-GPA in order to facilitate the petitioners to alienate the property in favour of third parties. The petitioners state that the entire sale consideration was paid and possession of the property was also delivered to them. Accordingly, an agreement of sale-cum-GPA was executed on 20.3.2007. After execution of the agreement of sale, property was stated to have been developed by levelling the land. At that stage, the 2nd respondent had started demanding more money and when the petitioners did not agree for the same, the 2nd respondent executed a deed of cancellation on 10.12.2007 and the same was registered by the 1st respondent. Challenging the registration of the said deed, the present writ petition is filed.

A counter-affidavit is filed stating that at the relevant point of time when the document was executed, the provisions of the Act enable the 1st respondent to register the document. Thereafter only the Commissioner and Inspector General, Registration and Stamps, by circular dated 14.3.2008 instructed to extend Rule 26 (i)(k)(i) to the instruments of Agreement of Sale cum GPA, Development Agreement-cum-GPA, partition, release and mortgage. Thus, Rule 26 (k)(i) of the Rules is applicable to the agreement of sale-cum-GPA, at a later point of time.

The point with regard to the right of the principal to unilaterally cancel GPA even coupled with interest is no longer *res integra* as this Court in *Mir Khader Ali Khan and others v. District Registrar, Ranga Reddy & Appellate Authority, R.R.District and another*¹ held that the power vests with the principal and the registration was held to be valid. It was further held that the Rules incorporated in Rule 26 (i) (k) is applicable only to the transactions of transfer of title, but in respect of execution of GPA no transfer of title takes place.

In the circumstances, the Writ Petition is dismissed. However, dismissal of the writ petition will not stand in the way of the petitioners working out their rights in appropriate civil Court. No costs.

¹ 2012 (4) ALT 808

Miscellaneous petitions if any, pending, shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

22nd June, 2017
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