

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 12009 of 2007

Order:

This Writ Petition was filed by the petitioner who claims to have purchased Plot No.33, admeasuring 500 sq. yards, situated in Survey No.69 of Kishanguda village, Shamshabad Mandal, Ranga Reddy district from the second respondent under a registered sale deed dated 23.12.2003. Thereafter, the second respondent executed a cancellation deed on 21.04.2006, which was registered as document No.7334 of 2006 by the first respondent. After receipt of the said information, the petitioner obtained a copy of the deed of cancellation dated 21.04.2006 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 petitioner to challenge the deed of cancellation in a competent Civil Court, if he is so advised. There shall be no order as to costs.

¹ AIR 2007 AP 57

² (2016) 10 SCC 767

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

A. RAMALINGESWARA RAO, J

Date: 22.06.2017
Nsr

