HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.1283 OF 2008

ORDER

The 3rd respondent, who is the owner and purchaser of land in an extent of Ac.6-08 guntas in Sy.Nos.480, 482/2, 483 and 467 situated at Maheswaram, had entered into a development agreement with the petitioner on 27.1.2007. The registered GPA was executed coupled with the said development agreement being document No.2168 of 2007, dated 3.2.2007 in respect of Ac.1-13 guntas from out of the said total land. In addition to the said registered document, there have been several written confirmations from the 3rd respondent. It was agreed that the development work shall be completed within five months, which commenced from 28.3.2007. In view of the nature of the land being agricultural, the petitioner was required to deposit certain amounts and accordingly, the petitioner has deposited the same. Thereafter, the petitioner was granted conversion certificate. When the petitioner was waiting for release of the lay out, an intimation was received from the 2nd respondent stating that the 3rd respondent has unilaterally cancelled the development agreement-cum-registered GPA by executing a cancellation deed dated 11.1.2008. Hence, the present writ petition is filed.

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 Sayamma*[1] 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 Pradesh*[2], 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. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

29th June, 2017
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1. AIR 2007 AP 57
2 (2016 10 SCC 767