

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 19162 of 2006

Order:

This Writ Petition was filed by the petitioner which claims to have entered into a Development Agreement-cum-General Power of Attorney dated 07.04.2004 with the owners of House on Plot Nos.14 and 15, admeasuring 448 sq. yards, situated in Survey No.156/2, Opp: Posh Video Library, Diamond point, Sikh village, Secunderabad Cantonment. Thereafter, the petitioner came to know about the execution of deed of cancellation by the owners, which was registered as document No.701 of 2006 dated 10.04.2006 by the second respondent. After receipt of the said information, the petitioner addressed a notice to the respondents requesting them to reverse the entries made in the registers with regard to cancellation of development agreement, but when no action was taken by the respondents, the petitioner 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

¹ AIR 2007 AP 57

² (2016) 10 SCC 767

competent Civil Court, if it is 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: 22.06.2017
Nsr

