

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.27282 OF 2005

ORDER

This writ petition is filed for the following relief:

“ ..to issue a writ order or direction especially one in the nature of Writ of Mandamus declaring the proceedings of the 1st respondent in letter No.464/2005, dated 19.11.2005 seeking to intimate the petitioner that the sale deed No.735/2005, dated 27.5.2005 by which the Agricultural land in Survey No.706-B of Velichala Village of Ramadugu Mandal of Karimnagar District was registered in favour of petitioner was cancelled by the respondent No.2 by cancellation deed bearing No.1486/2005, dated 19.11.2005 is illegal and arbitrary and further declare that the cancellation deed bearing No.1486/2005, dated 19.11.2005 is illegal violating Articles 14, 21 and 300(A) of the Constitution of India and pass such order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel appearing for the petitioner, learned Government Pleader for Revenue appearing for the 1st respondent and Sri S.Narasimha Rao, learned counsel appearing for the 2nd respondent.

The case of the petitioner is that he purchased agricultural land admeasuring Ac.1-00 guntas in Sy.No.706-B situated in Velichala Revenue Village, Ramadugu Mandal of Karimnagar District *vide* sale deed bearing No.735, dated 27.5.2005 from the 2nd respondent and the same was registered in the office of the Sub-Registrar, Gangadhar of Karimnagar

District. While so, the 2nd respondent issued a legal notice on 11.11.2005 to the petitioner alleging that he will be constrained to cancel the sale deed dated 27.5.2005 executed in his favour in respect of the said land, for which, the petitioner sent reply notice dated 24.11.2005. Thereafter, the 1st respondent addressed a letter/notice dated 19.11.2005 to the petitioner stating that a cancellation deed *vide* document No.1486/2005 is registered in Sub-Registrar's Office, Gangadhara by the 2nd respondent cancelling sale deed No.735/2005 previously registered at Sub-Registrar Office, Gangadhara on 27.5.2005. Challenging the cancellation of sale deed unilaterally by the 2nd respondent, the present writ petition is filed.

The issue relating to unilateral cancellation of the sale deed is no longer *res integra* in view of the decision of the Supreme Court in *Thota Ganga Laxmi and another vs. Government of Andhra Pradesh and others*¹. The Supreme Court while holding the unilateral cancellation of sale deed as invalid relied upon Rule 26 (k) (i) made by the Government of Andhra Pradesh under Section 69 of the Registration Act, 1908.

In view of the authoritative pronouncement of the Supreme Court, the Writ Petition is allowed. The registration of cancellation of the sale deed executed by the 2nd respondent

¹ (2010) 15 Supreme Court Cases 207

is held invalid. The 1st respondent shall take necessary consequential steps pursuant to the order of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

15th June, 2017
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