

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.22762 OF 2005

ORDER

This writ petition is filed for the following relief:

“ ..to issue writ of Mandamus declaring the action of the 1st respondent in registering a deed of cancellation got executed by the 2nd respondent, Document bearing No.5527 of 2005, dt.30.08.2005 cancelling the Sale Deed No.4717 of 2005, dt.15.7.2005, which was executed by the 2nd respondent in favour of the petitioner, as illegal, arbitrary, unconstitutional and without jurisdiction consequently set aside the same and pass such other 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 and learned Government Pleader for Revenue appearing for the 1st respondent.

None appears for the 2nd respondent. Notice sent to the 3rd respondent was returned with an endorsement that the '3rd respondent left'.

The case of the petitioner is that the 3rd respondent executed a sale agreement-cum-General Power of Attorney in favour of the 2nd respondent, in pursuance of which, the 2nd respondent executed a registered sale deed on 15.07.2005 in respect of an extent of 273 square yards under the Malkajgiri Municipal Area in favour of the petitioner and after receiving the entire sale consideration, property was also delivered to him. It is the further case of the petitioner that after registration of the sale deed, the 2nd

respondent was demanding some more money, and the petitioner refused to pay the same. In those circumstances, the 2nd respondent in connivance with the 1st respondent, without knowledge of the petitioner executed another deed on 30.8.2005 cancelling the sale deed executed on 15.7.2005. 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 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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¹ (2010) 15 Supreme Court Cases 207