

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 13333 of 2006

Order:

This Writ Petition was filed by the petitioner who claims to have purchased the property bearing H.No.1-2-30/10/2, admeasuring 968 sq. yards, situated in Survey No.35 of Hydernagar village, Balanagar mandal, Ranga Reddy District under a registered sale deed dated 31.07.1997 from the respondents 4 to 8. Thereafter, the respondents 4 to 8 executed a cancellation deed on 10.11.2005, which was registered as document No.8392 of 2005 by the third respondent. However, when the third respondent made an endorsement that the unilateral cancellation is not valid in the eye of law until annulled by the competent court of law and the buyers can seek redressal in a court of law, if aggrieved by the cancellation deed, the present Writ Petition was filed. The petitioner states that in view of the said endorsement made by the third respondent, the respondents 4 to 8 filed a suit in O.S.No.3391 of 2005 before the Junior Civil Judge, Ranga Reddy district.

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.

¹ AIR 2007 AP 57

² (2016) 10 SCC 767

In view of the same, it cannot be said that the endorsement is bad in law and it merely explains the position. The Writ Petition is, accordingly, dismissed. 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

