

The Hon'ble Sri Justice A.Ramalingeswara Rao

Writ Petition No.29294 of 2010

Date: 27.07.2017

Order:

This Writ Petition is filed for declaration that refusal order Nos.1 to 4 of 2010, dated 20-05-2010, passed by respondent No.2 are illegal, arbitrary and contrary to Rule 26 (K) of the Rules made under the Registration Act, 1908 (for short 'the Rules').

Heard learned Counsel for both parties and perused the record.

Rule 26 (K) of the Rules came into force w.e.f., 29-11-2006. By that time, cancellation deeds were already registered and in view of the full bench judgment of this Court in **Yanala Malleshwari and others vs. Ananthula Sayamma and others**¹, no Writ Petition was maintainable and the only remedy available to the aggrieved party was to approach the Civil Court. The petitioners, without approaching the Civil Court, have executed the deeds of declaration for cancellation of the earlier cancellation deeds and presented the same for registration. As the same were refused, the present Writ Petition is filed.

¹ 2006 (6) ALT 520

As on the date of registration of the deeds of cancellation, the prevailing law was to the effect that the aggrieved party has to challenge the said deeds before the civil Court. The present deeds for cancellation of the registered cancellation deeds were sought to be registered without the presence of both parties. In view of Rule 26 (K) of the Rules, which came into force with effect from 29-11-2006, the presence of both the parties is required.

In the circumstances, this Court sees no ground to interfere with the impugned orders of refusal and it is open for the petitioners to work out their remedies in accordance with law.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(A.Ramalingeswara Rao, J)

Dt: 27th July, 2017
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