

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 20371 of 2007

Order:

This Writ Petition was filed by the petitioner who claims to have purchased a Plot bearing Nos.271/1 and 272-G, admeasuring 500 sq. yards, situated in Survey No.650 of Balaji Nagar, Patancheru, Medak district from the fourth respondent Cooperative House Building Society under a registered sale deed dated 14.11.1985. Thereafter, the fourth respondent executed a cancellation deed on 27.01.2005, which was registered as document No.2171 of 2005 by the second respondent. After receipt of the said information, the petitioner obtained a copy of the deed of cancellation dated 27.01.2005 and 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 competent Civil Court, if she is so advised. There shall be no order as to costs.

¹ AIR 2007 AP 57

² (2016) 10 SCC 767

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

