

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.23856 of 2008

ORDER

Heard learned counsel appearing for the petitioners, learned Government Pleader for Revenue appearing for respondents 1 to 6 and learned Standing Counsel appearing for the 7th respondent.

The petitioners are wife and husband. They state that they purchased land in an extent of Ac.9.10 guntas in Sy.No.9/E and Ac.05.00 in Sy.No.32/A situated at Sholipur Village, Faruqnagar Mandal, Mahaboobnagar District, from the 7th respondent. The same was registered on 4.8.1999 *vide* document No.2252/99, after receiving the entire sale consideration. However, without knowledge of the petitioners, the 7th respondent executed a deed of cancellation and the same was registered by the 4th respondent on 02.12.2006. Based on the said document, mutation effected in favour of the petitioners, was cancelled by the Revenue Divisional Officer, Mahaboobnagar Division *vide* proceedings dated 2.9.2008. In the deed of cancellation unilaterally executed by the 7th respondent, it is stated as follows:

“document was merely registered under provision of the Registration Act, 1908. Though such unilateral cancellation is not valid in the eye of law until annulled by the competent Court of Law as buyers can seek redressal in a Court of Law if aggrieved by the cancellation deed.”

Learned counsel appearing for the petitioners submits that in view of Full Bench judgment of this Court and later judgment of the Supreme Court, sub Rule (k) was inserted after sub Rule (j) to Rule 26, as per which, the presence of both the parties is necessary for registering the conveyance or cancellation deed.

In view of the same, the unilateral execution of the cancellation deed by the 7th respondent and registering the same by the 4th respondent, is not valid in law.

Consequently, the 7th respondent is directed to produce the deed of cancellation before the 4th respondent. As and when the same is produced, the 4th respondent shall take appropriate steps for making entries in the relevant records for cancelling the deed of cancellation dated 2.12.2006.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

6th July, 2017
rkk