

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.11715 OF 2008

ORDER

The 2nd respondent, who is the natural brother of the petitioner, executed a gift deed on 10.03.2008 in respect of house bearing No.3-1-13/B to 3-1-13/F, admeasuring 530 square yards with ground floor built up area of 288 square feet situated at Saraswathamma Compound, Vinayaka Chowk Locality, Ward No.3, Block No.1, Tandur Municipality, Ranga Reddy District in favour of the petitioner and the same was registered by the 1st respondent. Thereafter, the 2nd respondent approached the 1st respondent for cancellation of the earlier registered gift settlement deed unilaterally. The 1st respondent contrary to the provisions of Registration Act and Rules made thereunder has registered the deed of revocation of the said gift settlement deed vide document No.1648/2008, dated 19.05.2008. However, neither the 1st respondent nor the 2nd respondent has issued any notice to the petitioner either at the time of execution of the deed of revocation of gift settlement deed or registration of the said deed and the petitioner has no knowledge of the same. On coming to know about the registration of the deed of revocation of the gift settlement deed, the petitioner made an application on 26.05.2008 before the 1st respondent for furnishing a certified copy of the said deed and accordingly, the same was furnished to her. Taking advantage of the registration of the deed of revocation of gift

settlement deed, the 2nd respondent is trying to alienate the property to the 3rd parties. Hence, the present writ petition is filed challenging the action of the 1st respondent in registering the document executed by the 2nd respondent unilaterally without issuing any notice and opportunity to the petitioner.

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 Sayamma*¹ 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 Pradesh*², 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. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

29th June, 2017
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1. AIR 2007 AP 57
2 (2016 10 SCC 767

