

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.6385 of 2008

ORDER

Heard learned counsel appearing for the petitioner and learned Government Pleader appearing for the 1st respondent.

The petitioner wanted to develop the property belonging to respondents 2 & 3 to an extent of 14151 square yards in Sy.Nos.221/E & 221/Vu of Rameshwaram Banda Village, Patancheru Mandal, Medak District. Accordingly, respondents 2 & 3 executed an agreement of sale cum-Irrevocable GPA. The petitioner states that the entire sale consideration of Rs.28,31,000/- was paid to respondents 2 & 3 and possession of the property was delivered to him. At that stage, respondents 2 and 3 had started demanding more money and when the petitioner did not agree for the same, respondents 2 and 3 executed a deed of cancellation on 22.01.2008 and the same was registered by the 1st respondent. Challenging the registration of the said deed, the present writ petition is filed.

A counter-affidavit is filed stating that the cancellation of GPA was registered as per the request of the principal and it was registered by following the rules and that the principal at any time can cancel the GPA given to the agent. It is

further stated that Rule 26 (k) (i) of the Rules is applicable to only sale deeds, but not agreement of sale-cum-GPA's.

The point with regard to the right of the principal to unilaterally cancel GPA even coupled with interest is no longer *res integra* as this Court in *Mir Khader Ali Khan and others v. District Registrar, Ranga Reddy & Appellate Authority, R.R.District and another*¹ held that the power vests with the principal and the registration was held to be valid. It was further held that the Rules incorporated in Rule 26 (i) (k) is applicable only to the transactions of transfer of title, but in respect of execution of GPA no transfer of title takes place.

In the circumstances, the Writ Petition is dismissed. However, dismissal of the writ petition will not stand in the way of the petitioner working out his rights in appropriate civil Court. No costs.

Miscellaneous petitions if any, pending, shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

22nd June, 2017
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¹ 2012 (4) ALT 808