

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.25994 OF 2017

Date: 04.08.2017

Between:

Ahmed Mohiuddin S/o Jamaluddin, Aged about 65 years,
Occu: Business, r/o. H.No.1-9-32, Club Road, Eidgah Street,
Metpally Town and Mandal, Jagtial District, presently
Residing at H.No.10-2-87/A & B-21, Vijay Towers,
Shanthinagar, A.c.Guads, Hyderabad.

.....Petitioner

And

The State of Telangana, rep.by its Secretary, Stamp &
Registration, Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

According to the petitioner, both parties executed General Power of Attorney (GPA) vide registered document no.6105/2012 on 13.12.2012 in the office of the Sub-Registrar, Gandipet, on agricultural land admeasuring Ac.3.21 guntas in Sy.No.237 of Puppalguda village, Rajendernagar Mandal, Ranga Reddy District. Consequent to the execution of GPA in favour of petitioner, he has taken further steps incurring huge expenditure. Petitioner now apprehends that 4th respondent is taking steps to unilaterally cancel the GPA and present before the 3rd respondent for cancellation of GPA, earlier registered in favour of petitioner. This writ petition is filed alleging that 4th respondent is taking steps to cancel the document of GPA and if 4th respondent presents the document, 3rd respondent should not entertain and cancel the earlier registered document without notice to the petitioner. In support of the said contention, learned counsel placed reliance on the decision of Division Bench of this Court in W.P.No.20683 of 2012 and W.P.No.2192 of 2013. Learned counsel also referred the order passed by this Court in W.P.No.39865 of 2016.

2. It is not in dispute that GPA was executed in favour of petitioner and the same was registered on 13.12.2012. So far, no deed was presented before the registering authority by the 4th respondent to annul the earlier GPA granted in favour of petitioner. Rule 26 (i)(k)(i) of the Andhra Pradesh Rules under Registration Act, 1908, prescribe the procedure for entertaining the documents. Earlier there was deference of opinion on the issue

whether document earlier registered can be cancelled unilaterally without notice to the parties concerned in whose favour earlier document was registered. Division Bench thoroughly analyzed all the relevant provisions of law and held that unilateral cancellation of document is not permissible in law. This decision of the Division Bench is binding on the parties. Thus, it cannot be expected that the authorities would not comply with the dicta laid down by this Court and would entertain any application for registration of deed of cancellation without following due process, more so even according to the averments and submissions made by the learned counsel, no document was even presented before the registering authority. Thus, at this stage, no direction as sought for can be granted. Thus, writ petition is premature and accordingly is liable to be dismissed. Writ petition is dismissed accordingly.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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