

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.20441 OF 2007

ORDER:

This writ petition is filed, seeking to declare the action of the 3rd respondent in effecting registration of cancellation of sale deeds vide document Nos.24437 and 24438, dated 4.12.2006, as illegal and consequently declare them as null and void.

2. It is the specific case of the petitioners that the third respondent is not vested with the power under the Registration Act and the Rules framed thereunder for cancellation of documents unilaterally. Cancellation of documents can only take place either by the competent civil Court or by the concerned Registrar when all the parties to the document present the same, seeking cancellation and the facts of the present case are otherwise. The action of the third respondent in taking unilateral decision in cancellation of the registered sale deeds is gross violation of the Act and Rules, more particularly under Section 69 of the Registration Act and Rule 26 of the Rules framed thereunder.

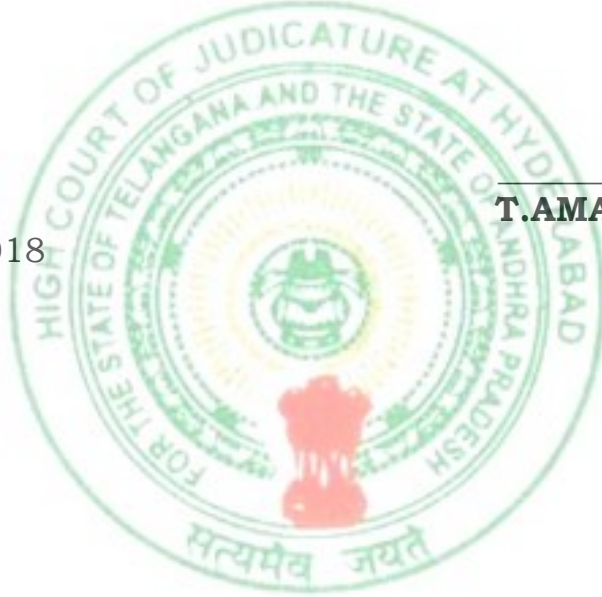
3. The learned counsel appearing for the petitioners relied upon the judgment reported in **Gaddam Laxmaiah V. Commissioner and Inspector General, Registration and Stamps, Hyderabad¹**, wherein it has been held that whenever registered document is sought to be cancelled, execution and registration of such a document/deed must be at the instance of both the parties i.e., bilaterally and not unilaterally.

¹ 2017 (4) ALT 213 (DB)

4. This Court by order dated 27.09.2007 in W.P.M.P.No.26435 of 2007, granted interim stay and by virtue of the same, the cancellation deed has not come into force and more so, the petitioners are in possession of the subject land. Balance of convenience and legal position is answered in favour of the petitioners.

5. In view of the above, the writ petition is allowed, setting aside cancellation deeds vide document Nos.24437 and 24438, dated 4.12.2006 registered by the 3rd respondent. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

Date: 01-10-2018
Shr



T.AMARNATH GOUD,J