

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.38267 of 2017

ORDER:

This Writ Petition is filed challenging the action of respondents 2 and 3 in unilaterally cancelling the registered Gift Deeds vide document Nos.5048 and 5049, dated 16.06.2010, in respect of Plot No.27, admeasuring 121 square yards, situated at Vidyanagar, Karimnagar District, through registered cancellation Gift Deeds vide document Nos.4323 and 4324 of 2011, dated 11.05.2011.

2. It appears that the third respondent is the absolute owner and possessor of an extent of 242 square yards in Survey No.1227 and he executed two Gift Deeds vide document bearing Nos.5048 and 5049 of 2010 in favour of petitioners 4 and 5. While so, petitioner No.4 sold 121 square yards of land in favour of petitioners 1 and 2 and petitioner No.5 executed Sale Deeds in favour of petitioner No.3 on 23.08.2017 and 16.08.2017 respectively. By that time, the third respondent executed a Deed of Cancellation of Gift Deeds vide document bearing Nos.4323 and 4324 of 2011 on 11.05.2011. Petitioners 4 and 5 state that no notice was given or they have knowledge about cancellation of those Gift Deeds and in view of lack of knowledge, they executed Sale Deeds in favour of petitioners 1 to 3. In those circumstances, the petitioners challenge execution of deeds of cancellation by the third respondent and registration of the same by the second respondent as illegal and void.

3. The said issue was considered by this Court elaborately in **P.Veda Kumari and others v. Sub-Registrar, Banjara Hills,**

Hyderabad¹ and it was held that the Writ Petition is not maintainable with the following observations:

“32. At the cost of repetition, it is held that the act of the Registering Authority is only an administrative act and it has no option except to register a document, which was validly presented. The document may be valid at the time of presentation but is required to comply with the Rules at the time of registration and if he violated Rule 26 (k) of the Rules, it can be definitely said that he committed procedural irregularity. It is well established rule of administrative law that an authority, which is vested with power, may exercise it rightly or wrongly, but this Court while exercising the power of judicial review, subject to its limitations, would interfere with such actions and one of such limitations for exercising judicial review is availability of alternative remedy and the discharge of public law duty. Merely because the respondent is a State under Article 12, this Court cannot interfere as held by the Supreme Court in *Joshi Technologies International INC v. Union of India* (15) (2015) 7 SCC 728. Thus, in order to exercise jurisdiction by this Court, the action of the statutory authorities must be without any alternative authority and in discharge of public law duty. Both of these are absent in the case of execution of deeds of cancellation as no public law duty is involved and Section 31 of the Specific Relief Act gives the relief. Merely because *Thota Ganga Laxmi v. Government of Andhra Pradesh* (2012 (3) ALT 50 (SC)) reverses the order of this Court dismissing the writ petition relating to cancellation of registration of cancellation of sale deed, it does not follow that the writ petition is maintainable in view of the observations made by three-Judge Bench of Supreme Court in *Satya Pal Anand v. State of Madhya Pradesh* (2016 ALT (Rev.) 44 (SC)).”

4. In spite of the same, learned counsel for the petitioners by relying on the decision in **Sri Vishnu Srirama Constructions v. Andhra Pradesh Education and Welfare Infrastructure Development Corporation**² submitted that in any case relating to

¹ 2017 (5) ALT 614

² 2017 (5) ALT 113

blacklisting of contract, the Writ Petition is maintainable. The ratio laid down in the said decision is not applicable to the facts of the present case and the present case is squarely covered by the decision in **P.Veda Kumari's case** (1 supra)

5. In view of the same, the Writ Petition is dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

FEBRUARY 01, 2018

Note:
Issue C.C. in one week
(B/o)
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Date: 01.02.2018

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