

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.3213 of 2019

ORDER:

The prayer of the petitioners in this case reads as under:-

"For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the inaction of the 4th respondent in registering the cancellation of sale deed Document No.17768 of 2018 dt 15.11.2017 as illegal, arbitrary and contrary to the Judgment reported in 2006(6) ALT 253 (FB) in the interest of justice and pass such other order or orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

By way of the document executed by the petitioners on 06.2.2019, the registered sale deed dated 15.11.2017 executed by one Gummadi Raghavendra Rao in favour of Smt P.Nagaraja Vijaya Lakshmi Devi was sought to be cancelled.

The grievance of the petitioners presently is that the Sub-Registrar, Registration and Stamps, Uppal, Medchal-Malkajgiri District, is not registering the so-called cancellation deed dated 06.02.2019.

It is the claim of Sri Mohd. Ghulam Rasool, learned counsel for the petitioners, that the land covered by the sale deed dated 15.11.2017 belongs to the petitioners and that is the reason why they wish to cancel the document executed by third parties in relation to their land.

Be it noted that the executants to the sale deed dated 15.11.2017 were not parties to the so-called cancellation deed dated

06.02.2019 and they have not been impleaded as parties to this Writ Petition.

In the light of Rule 26(i)(k)(i) of the Rules framed under the Registration Act, 1908, the registering officer is to ensure that at the time of presentation before him for registration of a cancellation deed of a previously registered deed of conveyance on sale, such a cancellation deed has been executed by the executant and the claimant under the previously registered conveyance on sale and that such a cancellation deed is accompanied by a declaration showing mutual consent or orders of a competent civil or High Court or State or Central Government annulling the transaction contained in the previously registered deed of conveyance on sale.

In the light of the aforestated Rule, it is not open to the petitioners to insist upon the cancellation deed being registered by the Sub-Registrar concerned without demonstrating the consent thereto of the parties to the previous registered sale deed.

Admittedly, the executants to the sale deed 15.11.2017, which the petitioners unilaterally seek to cancel by way of the document dated 06.02.2019, were not parties to the said document and were not brought before the Sub-Registrar. Further, in the event this kind of cancellation is permitted, every person who feels aggrieved by a registered document executed by and between some third parties can unilaterally cancel the same without taking recourse to the due procedure laid down in the Specific Relief Act, 1963, for seeking cancellation of such a registered document. The prayer of the

petitioners is therefore utterly misconceived and contrary to the legal scheme.

The Writ Petition is therefore devoid of merit and is accordingly dismissed.

Pending Miscellaneous Petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

15th March, 2019
dr

