

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Appeal No.282 of 2019

Date: 08.04.2019

Between:

Lakshmi Suri

...Appellant

and

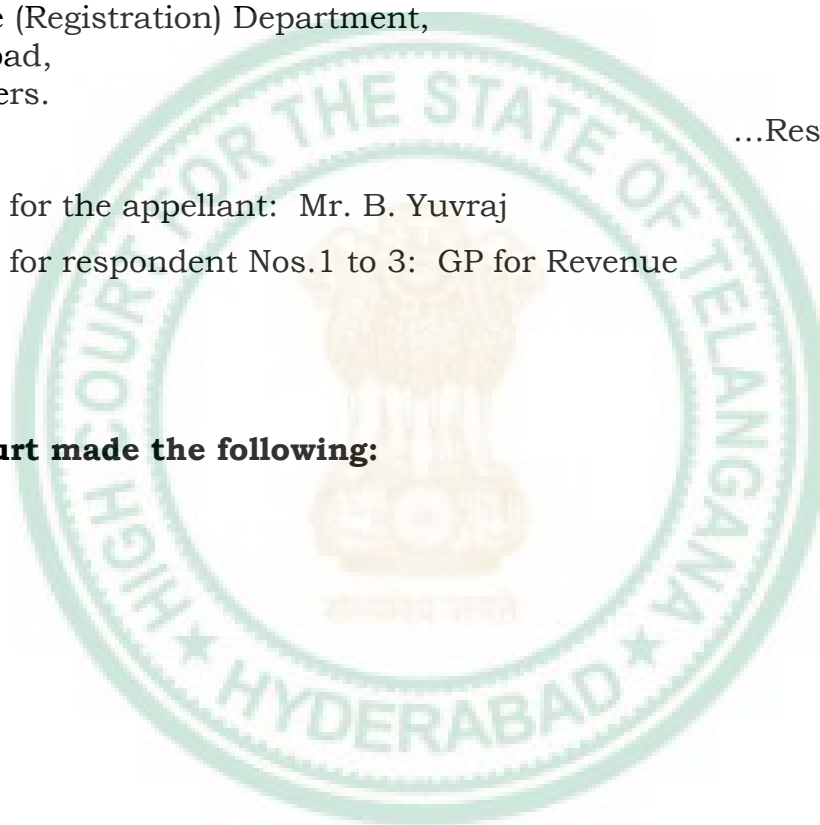
The State of Telangana, Rep.by its Principal Secretary,
Revenue (Registration) Department,
Hyderabad,
and others.

...Respondents

Counsel for the appellant: Mr. B. Yuvraj

Counsel for respondent Nos.1 to 3: GP for Revenue

The Court made the following:



JUDGMENT: (Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)

The appellant, Ms. Lakshmi Suri, has challenged the legality of the order dated 29.01.2019 passed by the learned Single Judge in W.P.No.22490 of 2018, whereby the learned Single Judge has dismissed the Writ Petition filed by the alleged petitioner.

In the Writ Petition, the appellant-petitioner had prayed that this Court should issue a writ of mandamus directing the respondent No.1 i.e., the State of Telangana, represented by the Principal Secretary, to direct the respondent No.2, the District Registrar, Ranga Reddy East District, to exercise his jurisdiction under Section 68(2) of the Registration Act and to cancel the registration of the Agreement of Sale – cum – General Power of Attorney, dated 27.10.2016. However, the learned Single Judge has dismissed the Writ Petition. Hence, this appeal before this Court.

Learned Counsel for the appellant submits that since the Agreement of Sale – cum – General Power of Attorney was registered during the pendency of a civil suit, the alienation of the property is hit by Section 54 of the Transfer of Property Act. Therefore, relying on the case of **Suraj Lamp & Industries (P) Ltd. v. State of Haryana**¹, learned Counsel pleads that, in fact, the Agreement of Sale – cum – General Power of Attorney should have been cancelled. Hence, proper direction should be issued

¹ (2012) 1 SCC 656

by the learned Single Judge. Thus, the impugned order deserves to be set aside by this Court.

Heard the learned Counsel and perused the impugned order.

In the case of **Gaddam Laxmaiah v. Commissioner and Inspector General, Registration and Stamps, Hyderabad**², a Coordinate Bench of this Court had clearly opined that Agreement of Sale – cum – General Power of Attorney cannot be cancelled unilaterally, but can be cancelled only bilaterally. In the present case, the appellant is trying to have the document cancelled unilaterally.

Moreover, the issue whether the transaction is hit by Section 54 of the Transfer of Property Act would in turn raise disputed question of facts which cannot be appreciated within the writ jurisdiction of this Court. Therefore, the learned Single Judge was justified in not invoking the writ jurisdiction, and in dismissing the petition.

Furthermore, Section 31 of the Specific Relief Act, 1963, provides for an efficacious alternative remedy to the appellant to approach the civil Court for cancellation of a document. Since the efficacious alternative remedy does exist, and since the learned Single Judge has observed that “the petitioner is at liberty to avail appropriate remedies in accordance with law,”

² 2017 (4) ALT 213 (DB)

this Court does not find any illegality or perversity in the impugned order.

For the reasons stated above, this Court does not find any merit in the appeal; it is, hereby, dismissed.

The miscellaneous petitions pending in this appeal, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, ACJ

A.RAJASHEKER REDDY, J

08.04.2019
vs

