

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.8926 of 2019

ORDER:

This writ petition is filed seeking the following relief:

“.....to issue any writ, order, direction, more appropriately one in the nature of Writ of Mandamus declaring the action of respondent No.4 in not receiving and processing the Revocation of registered General Power of Attorney vide Doc.No.971/2018, dated 01.02.2018 presented by the petitioner in respect of the property bearing H.No.6-3/1, admeasuring 342.00 Square yards or equivalent to 285.91 square meters, built up area 120.00 Sft. (ACC), situated at Dargah Khalij Khan Village, Kismathpur Gram Panchayath, Rajendra Nagar Mandal, Ranga Reddy District, Telangana State is illegal, improper, arbitrary, unconstitutional and against the principles of nature justice and consequently direct respondent No.4 to receive and process the revocation of registered general power of attorney vide doc.No.971/2018, dated 01.02.2018 presented by the petitioner in respect of the above said property in the interest of justice.”

Perusal of the registered General Power of Attorney executed by the petitioner bearing document No.971/2018, demonstrates that no interest was created thereunder in favour of the power of attorney holders. It was a GPA simplicitor authorising the power of attorney holders to undertake various acts on behalf of the principal, the petitioner herein. In the event no interest is created in the power of attorney holders, Section 202 of the Indian Contract Act, 1872, would not be attracted. In such a situation there would be no embargo against unilateral revocation of such a GPA. The Sub-Registrar, Gandipet, Rajendranagar Mandal, Rangareddy District, fourth respondent herein seems to have lost sight of this vital aspect and is stated to have refused to receive the revocation document presented by the petitioner for registration.

The material placed on record reveals that the petitioner has presented the document for revocation of registered general power of attorney bearing document No.971/2018, dated 01.02.2018 before the fourth respondent/Sub-Registrar, Gandipet, Rajendranagar Mandal, in respect of property bearing House No.6-3/1, admeasuring 342.00 square yards having built up area of 120 Sft (ACC), situated at Dargah Khali Khan Village, Kismathpur Gram Panchayath, Rajendra Nagar Mandal, Ranga Reddy District. The petitioner claims ownership over the aforementioned property and also contended that he appointed Mr.Sajid Bin Sayed and Mohammed Younus as his General Power of Attorney holders to look after the above said property *vide* registered general power of attorney dated 01.02.2018 but the said persons were said to be working adverse to the interest of the petitioner. It is also contended that the dispute *interse* in between the principal and the attorney is with regard to the payment of sale consideration. Therefore, the petitioner intends to cancel the registered general power of attorney.

It is also brought to the notice of this Court that the order in Writ Petition No.5765/2019 dated 20.03.2019 passed by this Court. The said order reads as under:

“Perusal of the registered General Power of Attorney executed by the petitioner naming several individuals, bearing document No.6800/2014, demonstrates that no interest was created thereunder in favour of the power of attorney holders. It was a GPA simplicitor authorising the power of attorney holders to undertake various acts on behalf of the principal, the petitioner herein. In the event no interest is created in the power of attorney holders, Section 202 of the Indian Contract Act, 1872, would not be attracted. In such a situation there would be no embargo

against unilateral revocation of such a GPA. The Sub-Registrar, Stamps and Registration, Balkonda, seems to have lost sight of this vital aspect and is stated to have refused to receive the revocation document presented by the petitioner for registration.

Now there is no dispute with regard to the refusal of cancellation of the registered general power of attorney as contended. The facts brought to the notice of this Court are identical to the facts in Writ Petition No.5765/2019.

Under these circumstances, the fourth respondent/Sub-Registrar, Gandipet, Rajendra Mandal, Ranga Reddy District, is directed to receive and process the revocation document presented by the petitioner in connection with the General Power of Attorney bearing document No.971/2018, dated 1.2.2018 in accordance with the procedure established under law. Provided, the proposed document is found to be otherwise in order and in compliance with the requirements of the Registration Act, 1908, and the Indian Stamp Act, 1899. On the revocation document being presented, the fourth respondent/Sub-Registrar shall complete the registration requirements and release the document within a period of thirty (30) days from the date of receipt of the document.

Accordingly, the Writ Petition is disposed of at the stage of admission.

Pending Miscellaneous Petitions, if any, shall stand closed.

No order as to costs.

DR. SHAMEEM AKTHER, J

Date: 25.04.2019
ssp