

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.17763 OF 2017

Date: 19.11.2019

Between:

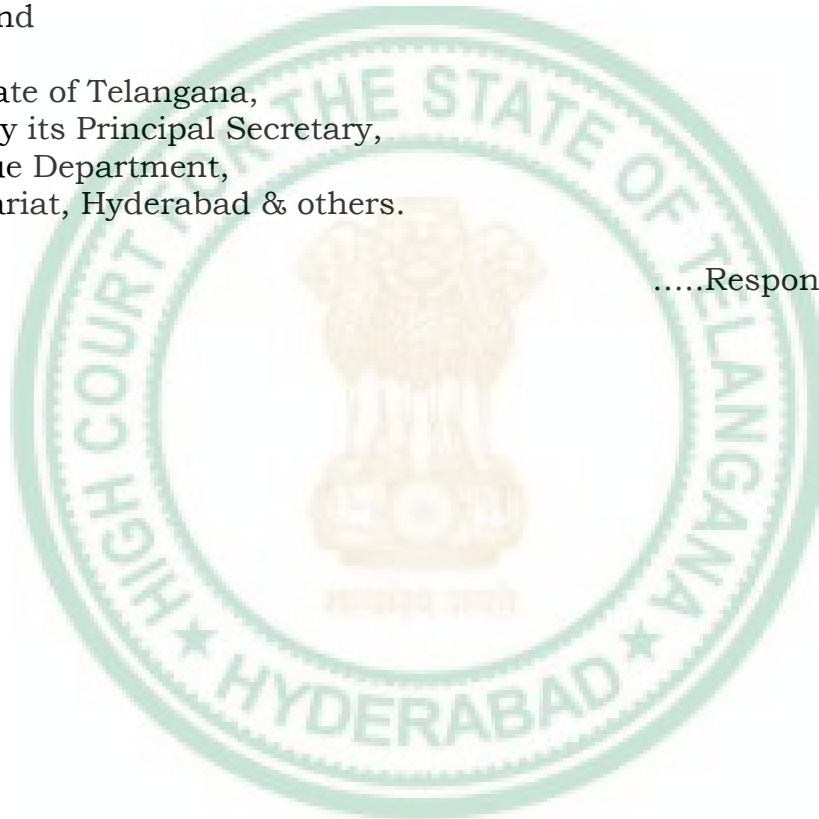
Smt Toram Kanaka Durga Venkata Satyavathi,
W/o.Sri Toram Venkateswar Rao,
Aged about 52 yrs, Occu : Housewife,
R/o.Flat No.302, Silver Oak Residency,
Gaffor Nagar, Plot No.81, Image Hospital,
Madhapur Village, Ranga Reddy District.

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for revenue for respondents 1 to 3 and Sri P.Chandra Shekher, learned counsel for respondent No.4.

2. According to learned counsel for the petitioner, a sale deed was executed on 09.01.2009, evidencing alleged sale transaction between the parties to the document transferring the property to the petitioner to an extent of 3630 Square yards in Sy.No.262, 1694 Square yards in Sy.No.263, 3993 Square yards in Sy.No.273 and 847 Square yards in Sy.No.274 of Nallagandla Village, Serilingampally Mandal and Municipality, Ranga Reddy District. The vendors to the sale transaction were represented by agreement of sale-cum- General Power of Attorney by name P.Bharat. It appears, some disputes arose interparties with regard to impersonation by one Melam Bhanu in the name of P.Bharat and amicably resolved the dispute and it was agreed upon to present deed of cancellation of previously registered sale deed dated 09.01.2009, bearing Document No.48 of 2009. Alleging that the said document is not received and processed by the registering authority advising the petitioner to obtain appropriate order from civil Court, this writ petition is filed.

3. Rule 26 of the Telangana Rules under the Indian Registration Act, 1908 (for short 'the Act, 1908') prescribes procedure to be followed by the registering authority before accepting the document for registration and should ensure all the requirements prescribed in the Act, 1908 and in the Rules

are followed. According to Rule 26 (ix) (k), it is mandatory for the registering authority to ensure that deed of cancellation of previously registered deed of conveyance of sale of immovable property is executed by both the executing and claiming parties. Thus, this Rule requires both parties to the original document should execute cancellation deed and should be present before the Registrar. It is not known why registering authorities have refused. No material is placed on record to show that document was presented, but was refused.

4. In the circumstances, the Writ Petition is disposed of granting liberty to the petitioner to present the deed of cancellation to cancel the earlier registered sale deed bearing document No.48 of 2009 before the Sub-Registrar, Serilingampally, Ranga Reddy District and after due compliance of all the formalities required, the Sub-Registrar, shall process the same in accordance with the Act, 1908 and the Rules made therein. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

19th November, 2019
Rds