

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION No.22490 of 2018**

**ORDER:**

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction, directing the 1<sup>st</sup> respondent i.e., the State of Telangana represented by its Principal Secretary, Revenue (Registration) Department, Hyderabad, to direct the 2<sup>nd</sup> respondent, the District Registrar, Ranga Reddy East District, to exercise his jurisdiction under Section 68(2) of the Registration Act, 1908, to cancel the registration of the agreement of sale-cum-general power of attorney as document No.28190/2016 of the Sub-Registrar, L.B.Nagar, Ranga Reddy District in the interests of justice and/or pass such other order deemed fit and proper in the circumstances of the case.'

It is an admitted fact that the petitioner executed the registered Agreement of Sale-cum-General Power of Attorney dated 27.10.2016 along with others. It is the case of the petitioner, appearing as a party-in-person, that as the consideration promised to be paid in terms of the said agreement of sale was not paid, the said agreement should be cancelled by the registration authorities. Reliance in this regard is placed on Section 68(2) of the Registration Act, 1908. Section 68 thereof reads as under:

**'68. Powers of Registrar to superintend and control Sub-Registrars—** (1) Every Sub-Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Sub-Registrar is situate.

(2) Every Registrar shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Sub-Registrar subordinate to him or in respect of the rectification of any

error regarding the book or the office in which any document has been registered.'

In the opinion of this Court, this general power vesting in the Registrar to superintend and control Sub-Registrars would not extend to the Sub-Registrar unilaterally canceling a registered document owing to the dispute between the parties thereto. Reference in this regard may also be made to the Division Bench judgment of the High Court of Judicature at Hyderabad for the States of Telangana and Andhra Pradesh in **GADDAM LAXMAIAH V/s. COMMISSIONER AND INSPECTOR GENERAL, REGISTRATION AND STAMPS, HYDERABAD**<sup>1</sup>, wherein it was held that cancellation of a document of this nature could only be at the instance of both parties bilaterally and not unilaterally. In that view of the matter, the prayer of the petitioner to direct the registration authorities to undertake cancellation of the registered Agreement of Sale-cum-General Power of Attorney dated 27.10.2016 cannot be countenanced.

The writ petition is accordingly dismissed leaving it open to the petitioner to avail appropriate remedies in accordance with law before the competent forum, if she so chooses.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

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**JUSTICE SANJAY KUMAR**

Date:29.01.2019

GJ/PGS

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<sup>1</sup> 2017 (4) ALT 213 (D.B.)+