

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.20852 of 2018

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 a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in Unilateral Cancellation of Sale Deed bearing Document No.25433/2006 dated 14-12-2006 and Unilateral Cancellation Sale Deed bearing Document No.25434/2006 dated 14-12-2006 in respect of the lands in sy.no.297 of Puppalguda Village, Gandipet Mandal as arbitrary, illegal, without jurisdiction and in violation of principles of natural justice and violation of Articles 14, 21 and 300-A of Constitution of India and the ratio laid down by this Honourable Court in Thota Ganga Lakshmi and anr V/s Government of Andhra Pradesh and an Other ((2010) 15 SCC 207) and consequently set aside the same and pass such further order or orders as are deemed fit and proper in the circumstances of the case.’

Heard Sri K.Ravinder Reddy, learned counsel representing Sri Venkata Siddhartha, learned counsel for the petitioners, and Sri E.Madan Mohan Rao, learned counsel appearing for Sri Praveen Kumar Dubey, learned counsel for respondents 4 to 6.

It is an admitted fact that the registered Sale Deed dated 18.02.1995 bearing Document No.1894 of 1995 and the registered Sale Deed dated 18.02.1995 bearing Document No.1895 of 1995 were unilaterally cancelled by the vendors under registered Cancellation Deed dated 14.12.2006 bearing Document No.25433 of 2006 and registered Cancellation Deed dated 14.12.2006 bearing Document No.25434 of 2006.

Aggrieved by the said unilateral cancellation, the vendees under the sale deeds are before this Court.

The validity of such unilateral cancellation is no longer *res integra*.

A learned Judge of the erstwhile combined High Court for the States of Telangana and Andhra Pradesh had occasion to consider this very issue in *EDIGA CHANDRASEKAR GOWD V/ s. THE STATE OF ANDHRA PRADESH*¹. Having considered Rule 26(i)(k)(i) which was inserted in the Rules framed by the State under the Act of 1908, *vide* Notification dated 29.11.2006, and the law laid down by the Supreme Court in *THOTA GANGA LAXMI V/ s. GOVERNMENT OF ANDHRA PRADESH*², the learned Judge held that even a registered Agreement of Sale-cum-General Power of Attorney could not be unilaterally cancelled.

In that view of the matter, as Rule 26(i)(k)(i) of the Rules framed under the Act of 1908 specifically speaks against registration of a unilateral cancellation deed in relation to an earlier registered sale transaction and the said rule was in operation by the date of execution of the cancellation deeds in the case on hand, the said unilateral cancellation cannot be countenanced. Be it noted that this Court is not expressing any opinion on the power of the respondents to cancel the earlier transaction, if sufficient grounds are made out therefor, and it is only the validity of registration of unilateral cancellation deeds that has been gone into.

The writ petition is accordingly allowed holding that the Cancellation Deeds dated 14.12.2006 registered by the Joint Sub-Registrar, Stamps and Registration, Saroornagar, Ranga Reddy District, is invalid in the eye of law and the said cancellation deeds are accordingly declared illegal and without effect. This order shall however not preclude

¹ (2017) 4 ALD 12

² (2010) 15 SCC 207

respondents 4 to 6 from invoking appropriate civil remedies available to them in law before the competent forum for redressal of their grievance.

Registry is directed to communicate a copy of this order to the Joint Sub-Registrar, Stamps and Registration, Saroornagar, Ranga Reddy District, for the purposes of Section 31(2) of the Specific Relief Act, 1963.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:19.03.2019

GJ/PGS

