

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.27327 of 2008

ORDER

When the matter is taken up for hearing, learned counsel appearing for the petitioner contended that the issue as to whether the respondent-Corporation can cancel the registered sale deed once it has been registered has fell for consideration before this Court in W.P.22854 of 2006 and this Court *vide* order dated 24.12.2010 held that the respondent-Corporation cannot cancel the sale deed after its execution in favour of the petitioner therein.

Learned Standing Counsel appearing for the respondents contended that the petitioner has violated certain terms and conditions of allotment and therefore, there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that once the issue has been adjudicated in favour of the petitioner in W.P.No.22854 of 2006, dated 24.12.2010, to the effect that once the sale deed is executed, the respondent-Corporation cannot cancel the same unilaterally. Therefore, by following the law laid down by this Court in W.P.No.22854 of 2006, the writ petition is liable to be allowed.

Accordingly, the Writ Petition is allowed and the impugned cancellation order dated 29.11.2008 is set aside. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 28.01.2020
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