

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.A.No.608 of 2022

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
03.	23.06.2023	<u>HCJ & CVBRJ</u> <u>I.A.No.1 of 2023</u> <u>and</u> <u>Review I.A.No.2 of 2023</u> Heard Mr. C.Kapil Sagar, learned counsel for the review petitioners. This review petition seeks review of final order dated 13.10.2022 passed by this Court in Writ Appeal No.608 of 2022. I.A.No.1 of 2023 has been filed by the review petitioners for condoning the delay of 128 days in filing the present review petition. Review petitioners had filed the related writ petition being W.P.No.11860 of 2019 questioning the action of Sub-Registrar, Stamps and Registration, Kukatpally in registering the deeds of cancellation of gift settlement deeds bearing Document Nos.3138, 3139 and 3140 dated 25.04.2008. Learned Single Judge <i>vide</i> the order dated 17.11.2021 allowed the writ petition by setting aside the order dated 25.04.2008. It was thereafter that	Transferred to i/o folder, before corrections, if any.

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		respondent No.1 preferred Writ Appeal No.608 of 2022 which was allowed by this Court <i>vide</i> the order dated 13.10.2022. Relevant portion of the order dated 13.20.2022 reads as follows: “4. We find from the order of the learned Single Judge dated 17.11.2021 that respondent No.5 being petitioner No.2 in the related writ petition had appeared in person before the learned Single Judge, representing the three writ petitioners, who are respondents No.4, 5 and 6 herein. Grievance expressed by them in the writ petition was that the gift settlement deeds bearing documents No. 1856, 1857 and 1858 of 2000 dated 16.03.2000 were cancelled <i>vide</i> the deeds of cancellation bearing Nos. 3138, 3139 and 3140 of 2008 dated 25.04.2008 by respondent No.3 without issuing notice. 6. Learned Single Judge referred to the decision of the Supreme Court in Thota Ganga Laxmi v. Government of Andhra Pradesh [(2010) 15 SCC 207] as well as the Full Bench decision of this Court in Yanala Malleswari v. Ananthula Sayamma [AIR 2007 AP 57] and thereafter held that the gift settlement deeds whereby	

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		the title in respect of the property in question was transferred could not have been cancelled without the participation of the contesting parties. Therefore, order of respondent No.3 dated 25.04.2008 was set aside. 7. This aspect of the matter was considered by a Coordinate Bench of this Court in Sri Govindram Agarwal v. Commissioner and Inspector General, Stamps and Registration [W.A.No.1472 of 2017 decided on 28.07.2022] whereafter it was held as follows: We have carefully gone through the decision of the Supreme Court in Thota Ganga Laxmi's case (supra). We do not find any ratio laid down in the said decision that against unilateral cancellation of development agreement by a private party, aggrieved party has the remedy of filing writ petition. On the contrary, as pointed out by learned Single Judge, a Full Bench of this Court in Yanala Malleshwari v. Ananthula Sayamma (supra) held that writ petition is not maintainable against cancellation of an instrument and the aggrieved person has to approach the civil court. This decision	

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		came up for consideration before the Supreme Court in Satya Pal Anand v. State of Madhya Pradesh [(2016) 10 SCC 767] where the Larger Bench of the Supreme Court examined Thota Ganga Laxmi's case (supra). Supreme Court upheld the order of the High Court dismissing the writ petition by giving liberty to the appellant to pursue his statutory remedy. Thus on due consideration, we do not find any error or infirmity in the view taken by the learned Single Judge. No case for interference is made out. Writ Appeal is dismissed 8. Following the above decision of the Coordinate Bench in Sri Govindram Agarwal v. Commissioner and Inspector General, Stamps and Registration (3 supra), we set aside the order of the learned Single Judge dated 17.11.2021 passed in W.P.No.11860 of 2019. 9. Consequently, this Writ Appeal is allowed. No costs.” Learned counsel for the review petitioners submits that this Court had erroneously applied the decision of the Supreme Court in Satya Pal Anand v. State of Madhya Pradesh [(2016) 10 SCC	

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		767] which did not approve the decision of the Full Bench of this Court in Yanala Malleshwari v. Ananthula Sayamma [AIR 2007 AP 57]; rather it approved its own decision in Thota Ganga Laxmi v. Government of Andhra Pradesh [(2010) 15 SCC 207]. After hearing learned counsel for the review petitioners and considering the grounds urged, we are of the view that petitioners basically seek a re-hearing of the writ appeal which is not the intent and purport of review jurisdiction. We see no good ground to entertain the review petition. I.A.No.1 of 2023 and Review I.A.No.2 of 2023 are accordingly dismissed. HCJ CVBRJ KL	