

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

**WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

WRIT PETITION NO: 20110 OF 2011

Between:

1. V. Krupa Sagar, S/o. V. Vittal, Aged about 40 years, Occ: Business, R/o. H.No. 594 MIG, BHEL, Hyderabad 500 032
2. V. Sudha Vani, W/o. V. Krupa Sagar, Aged about 36 years, Occ: House wife, R/o. H.No. 594 MIG, BHEL, Hyderabad 500 032

...PETITIONERS

AND

1. The State of Andhra Pradesh, rep. by its Commissioner, Stamps and Registration Department, Secretariat, Hyderabad.
2. The Sub Registrar, S.R. Nagar, Hyderabad.
3. V. Madhu Sagar, S/o. V. Vittal Business R/o. H.No. 13-9-17, Panduranga nagar, Erragadda, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High 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 2nd respondent in unilaterally cancelling the registered Gift Settlement Deed vide Doc.No. 2165 of 2005 dated 7.7.2005 through Cancellation Deed of Gift Settlement vide Doc.No.0273 of 2007 dated 3rd February, 2007 without following due process of law and contrary to Section 126 of Transfer of Property Act and the rules envisaged under Registration Act as illegal, arbitrary, colourable exercise of power and contrary to settled principles of law and in utter violation of principles of natural justice and violative of fundamental and constitutional rights guaranteed to us and consequently the set

aside the cancellation Deed of Gift Settlement vide Doc.No.0273 of 2007 dated 3.2.2007.

I.A. NO: 1 OF 2011(WPMP. NO: 24366 OF 2011)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Cancellation Deed of Gift Settlement vide Doc.No.0273 of 2007 dated 3.2.2007, pending disposal of the writ petition.

**Counsel for the Petitioner: MS BHAVANA SAGAR, REPRESENTING
SRI. SRINIVAS VELAGAPUDI**

Counsel for the Respondents No 1 & 2: GP FOR REVENUE

**Counsel for the Respondent No 3: SRI DEEPAK MISHRA REPRESENTING
SRI MAYUR MUDRA**

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GADI PRAVEEN KUMAR

WRIT PETITION No.20110 OF 2011

DATE: 31.12.2025

V.Krupa Sagar and another

...Petitioners

AND

The State of Andhra Pradesh Represented
by its Commissioner Registration and Stamps
Department, Secretariat, Hyderabad and two others.

...Respondents

ORDER

Heard Ms.Bhavana Sagar, learned counsel representing Sri Srinivas Velagapudi, learned counsel for the petitioners, as well as learned Government Pleader for Revenue appearing respondent Nos.1 and 2 and Sri Deepak Mishra, learned counsel representing Sri Mayur Mudra, learned counsel for respondent No.3. Perused the material available on record.

2. The present writ petition has been filed assailing the action of respondent No.2 in unilaterally cancelling the registered Gift Settlement

Deed vide Doc.No.2165 of 2005, dated 07.07.2005 through cancellation Deed of Gift Settlement vide Document No.0273 of 2007, dated 03.02.2007 as illegal and to consequently set aside the same.

3. The brief facts of the case are that respondent No.3 is the elder brother of the petitioner and, out of love and affection, respondent No.3 executed an unconditional Gift Settlement Deed dated 07.07.2005 in petitioner's favour, having registered the same in the office of respondent No.2 vide No.2165 of 2005, transferring all rights, title, and interest over the house bearing Nos.7-2-209/3 and 7-2-209/3/A, admeasuring 72.00 sq. yards or 60.19 sq. meters, including the common area of 20.00 sq. meters, situated at Ashok Colony, Sanath Nagar, Hyderabad. The name of petitioner's was mutated in Municipal records. Subsequently, the respondent No.3 approached the respondent No.2 seeking cancellation of the Gift Settlement which was executed in favour of the petitioner, without informing the petitioner, due to which, the respondent No.2 registered the cancellation deed of the gift settlement dated 03.02.2007 without giving notice to the affected parties. Therefore, it is contended that the proceedings of the cancellation deed are contrary to law.

4. On the other hand, learned counsel for the respondent No.3 contends that the petitioner is not looking after respondent No.3 and that the respondent No.3 was subjected to physical and mental agony and that there were certain disputes with respect to the Gift Settlement Deed. Therefore, the representation made before the authority seeking cancellation of the deed was legal.

5. I have given my earnest considerations and perused the record under Section 26(i)(k)(i) of the A.P. Rules under the Registration Act, which reads as under:

26 (i) (k) (i) The registering officer shall ensure at the time of preparation for registration of cancellation deeds of previously registered deed of conveyances on sale before him that such cancellation deeds are executed by all the executant and claimant parties to the previously registered conveyance on sale and that such cancellation deed is accompanied by a declaration showing natural consent or orders of a competent Civil or High Court or State or Central Government annulling the transaction contained in the previously registered deed of conveyance on sale:

Provided that the registering officer shall dispense with the execution of cancellation deeds by executants and claimant parties to the previously registered deeds of conveyances on sale before him if the cancellation deed is executed by a Civil Judge or a government officer competent to execute government orders declaring the properties contained in the previously registered conveyance on sale to be government or assigned or endowment lands or properties not registerable by any provision of law."

6. Admittedly, the respondents have not put on any notice. Therefore, in view of the settled position of law as held by the Hon'ble Supreme Court in the matter of **Thota Ganga Laxmi V. Government of Andhra Pradesh**¹, that the Sub-Registrar/respondent No.2 has no power to cancel the gift settlement deed without following due procedure and without issuing any notice to the affected parties.

7. In view of the forgoing reasons, the Writ Petition is disposed of and the cancellation deed of the registered gift settlement deed vide Doc.No.0273 of 2007 dated 03.02.2007, is hereby set aside. However, the aggrieved parties are at liberty to approach the appropriate Civil Court seeking redressal of their respective grievance. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

¹ 2010 15 SCC 207

//TRUE COPY//

SD/-P.PONNA KRISHNA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Commissioner, Stamps and Registration Department, State of Andhra Pradesh, Secretariat, Hyderabad.
2. The Sub Registrar, S.R. Nagar, Hyderabad.
3. One CC to SRI. SRINIVAS VELAGAPUDI, Advocate [OPUC]
4. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
5. One CC to SRI. SRI MAYUR MUDRA, Advocate [OPUC]
6. Two CD Copies

HIGH COURT

DATED:31/12/2025

ORDER

WP.No.20110 of 2011



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

⑨
kps
9/12/26