

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 33787 OF 2012

Between:

Smt. Rabelli Venkata Lakshmi, W/o. Sri Rabelli Narasima Swamy, Aged about 58 years, Occ: Business, R/o. H.No.403, Sai Chaitanyana Residency, Taranaka, Hyderabad - 500 017.

...PETITIONER

AND

1. The Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad, rep. by its Principal Secretary
2. The Commissioner and Inspector General, of Registration and Stamps, Andhra Pradesh, Hyderabad
3. The Sub Registrar, Uppal, Ranga Reddy District.
4. Smt. Dharamapuri Haripriya, W/o. Late Dr..Murali Manohar Swamy, Aged about 83 years, Occ: Housewife, R/o. H.No.5-12-78, Opp Venkateswara Temple, Mangapuram Colony, Moula - Ali, H.B. Colony, Hyderabad - 500 040.

...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 of mandamus or any other appropriate writ or direction declaring the proceedings of the 3rd respondent in registering the revocation of gift settlement deed dated 23.08.2012 vide document No. 8625 of 2012 as illegal and one without jurisdiction.

I.A. NO: 1 OF 2012(WPMP. NO: 42982 OF 2012)

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 proceedings of the 3rd respondent in registering the revocation of gift settlement dated 23.08.2012 bearing Document No. 8625 of 2012, pending disposal of the writ petition.

**Counsel for the Petitioner: SRI S.V. RAMANA, REPRESENTING FOR
SRI O. MANOHER REDDY**

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: ---

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.33787 of 2012

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. S.V.Ramana, learned counsel representing
Mr. O.Manohar Reddy, learned counsel for the petitioner.

2. In this writ petition, the petitioner has assailed the action of the Sub Registrar, Uppal, in entertaining and registering the revocation of gift settlement deed dated 23.08.2012 on the ground that the same is in violation of Rule 26(1)(k)(i) of the Andhra Pradesh Rules under the Registration Act, 1908 (hereinafter referred to as 'the Rules').

3. Facts giving rise to filing of the writ petition briefly stated are that mother of the writ petitioner was the owner of the land to an extent of 191.5 square yards in Plot No.35 western part in Survey Nos.32, 33 and 34 situated at Block No.12, Mangapuram New Housing Colony, Meerpet Village,

Uppal Mandal, Kapra Municipality, Ranga Reddy District. She executed a registered gift deed on 13.03.2008 in favour of the petitioner.

4. However, subsequently the petitioner learnt that her name was not reflected in the records as owner. Thereafter the petitioner made enquiries and learnt that unilaterally respondent No.4 has executed a Deed of Revocation of the Gift Settlement Deed on 23.08.2012 and presented the same before the Sub Registrar, Uppal, who registered the same. In the aforesaid factual background, this petition has been filed.

5. Learned counsel for the petitioner submitted that the petitioner is not a party to the aforesaid Deed of Revocation and the same cannot be registered in view of the mandate contained in Rule 26(i)(k) of the Rules and it is not necessary for the petitioner to approach the civil court seeking a declaration that the cancellation deed is illegal. In support of the aforesaid submission, reliance has been

placed on the decision of the Supreme Court in **Thota Ganga Laxmi vs. Government of Andhra Pradesh**¹.

6. We have considered the submission made by the learned counsel for the petitioner and have perused the record.

7. Admittedly, the Gift Deed which was executed in favour of the petitioner has been unilaterally revoked by the respondent No.4 on 23.08.2012. The petitioner is not a party to the aforesaid Deed of Revocation. Rule 26(i)(k) of the Rules reads as under:

“26(i)(k) That the Cancellation Deed of the previously registered deed of conveyance on sale of immovable property is executed by both the executing and the claiming parties thereof unless such Cancellation Deed is executed under the orders of a competent Court or under Rule 243.”

Thus, it is evident that the Sub Registrar cannot register the Deed of Cancellation until and unless the same is executed by both the parties or is executed under the orders of competent Court or under Rule 243 of the Rules.

¹ 2012 (1) ALD 90 (SC)

8. The aforesaid eventualities under Rule 26(i)(k) of the Rules have not been fulfilled in the instant case. Therefore, the cancellation of Gift Settlement Deed is in contravention of Rule 26(i)(k) of the Rules and the same cannot be sustained in the eye of law. It is accordingly quashed.

9. In the result, the writ petition is allowed.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, The Government of Andhra Pradesh, Revenue Department, Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Andhra Pradesh, Hyderabad
3. The Sub Registrar, Uppal, Ranga Reddy District.
4. One CC to Sri O. Manohar Reddy, Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

TJ
BSK

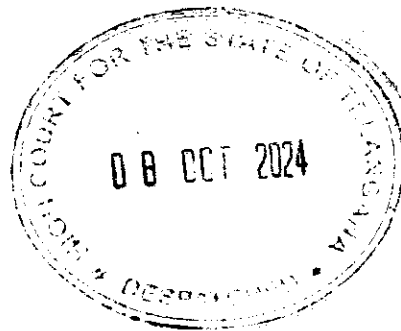
CHR

HIGH COURT

DATED:02/09/2024

ORDER

WP.No.33787 of 2012



**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

⑨ CAR
28/9/24