

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

FRIDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION NO: 32965 OF 2012

Between:

Smt.Bathula Padma @ Padmamma, Wife of B.Sheker Reddy, Aged about 39 years, Occupation Agriculture, Cheruvu Annaram Village, Kattangur Mandal, Presently Residing at Tattakal Road, Nakrekal Village, Nakrekal Mandal, Nalgonda District

...PETITIONER

AND

1. State of Andhra Pradesh, Represented by its Secretary, Revenue, Secretariat Buildings, Hyderabad.
2. The Tahsildar and M.R.O., Kattangur Mandal, Kattangur, Nalgonda district.
3. The District Registrar, Nalgonda District, at Nalgonda
4. The Sub Registrar, Nakrekal, Nalgonda District
5. Nandyala Adi Reddy, son of Laxminarsaiah, Aged about 66 years, Occupation agriculture, Resident of Cheruvu Annaram Village, Kattangur Mandal, Nalgonda District.

...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 pass an order, direction or writ, one more particularly in the nature of writ of mandamus declaring that the action of the respondents 3 and 4 in registering unilateral gift settlement cancellation deed as document no.133 of 2012 as executed by respondent no 5, interfering with rights of the petitioner under document no 555 of 2000, including the rights of possession and enjoyment, is a nullity, arbitrary, illegal, contrary to principles of natural justice,

fundamental rights, and provisions of Indian Registration Act and Stamp Duty Act, and accordingly liable to be set aside in the interest of justice.

I.A. NO: 1 OF 2012(WPMP. NO: 41971 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 stay all further proceedings in 23/2778/2012 before the second respondent under Record of Rights Act there by, not disturbing the recorded rights of the petitioner under the gift settlement deed document no.555 of 2000 on the file of Sub-Register Nakrekal, including the rights of possession and enjoyment in the interest of justice.

**Counsel for the Petitioner: SRI P.JAGADEESH BABU, REP. FOR
SRI GOVARDHAN VENU**

**Counsel for the Respondents: SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE (STAMPS & REGISTRATION)**

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.32965 of 2012

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

Mr. P. Jagadeesh Babu, learned counsel appears for
Mr. Govardhan Venu, learned counsel for the petitioner.

Mr. Muralidhar Reddy Katram, learned Government
Pleader for Revenue (Stamps & Registration) appears for
respondent Nos.1 to 4.

2. In this Writ Petition, the petitioner *inter alia* has prayed
for the following relief:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to pass an order, direction or writ, one more particularly in the nature of writ of mandamus declaring that the action of the respondents 3 & 4 in registering unilateral gift settlement cancellation deed as document no.133 of 2012 as executed by respondent no 5, interfering with rights of the petitioner under document no 555 of 2000, including the rights of possession and enjoyment, is a nullity, arbitrary, illegal, contrary to principles of natural justice, fundamental rights, and provisions of Indian Registration Act and Stamp Duty Act, and accordingly liable to be set aside in the interest of justice."

3. Facts giving rise to filing of this Writ Petition briefly stated are that the petitioner claims to be the owner and possessor of agricultural land measuring Acs.8.31 Guntas in Survey Nos.369/E, 373/E, 375/EE, situate at Cheruvu Annaram Village, Kattangur Mandal, Nalgonda District. The petitioner had acquired the aforesaid property by virtue of a registered Gift Settlement Deed dated 22.05.2000 executed by her father in her favour. The petitioner claims to be in possession of the aforesaid property under the aforesaid Gift Settlement Deed.
4. According to the petitioner, respondent No.5 influenced her father, who had executed the aforesaid Gift Settlement Deed, to execute another gift settlement revocation deed in his favour. The Sub-Registrar thereupon registered Gift Settlement Cancellation Deed bearing document No.133 of 2012 dated 10.01.2012. The petitioner has assailed the aforesaid revocation *inter alia* on the ground that the same is *per se* without any authority of law and unilateral cancellation of the registered document is not permissible.

5. Learned counsel for the petitioner submitted that the impugned action of the registering authorities is *per se* without any authority of law and respondent No.5 ought to have filed a civil suit challenging the validity of the aforesaid Gift Settlement Deed.

6. On the other hand, learned Government Pleader submits that under the Circulars issued by the State Government, the Registering Authority has power to cancel the registered instrument.

7. We have considered the rival submissions made on both sides.

8. Neither the provisions of the Registration Act, 1908, nor any of the Rules made thereunder authorize the Registering Authority to cancel a registered instrument. In the absence of any valid order, the Registering Authority cannot cancel a registered document. In this connection, reference may be made to the decision of the Supreme Court in **Thota Ganga Laxmi v. Government of Andhra Pradesh**¹ wherein it has been held that the cancellation of a registered document can be

¹ (2010) 15 SCC 207

done only by a competent Court after giving notice to the parties.

9. In the instant case, the Registering Authority without giving any notice to the petitioner has revoked the aforesaid Gift Settlement Deed.

10. For the aforementioned reasons, the registered instrument of Gift Settlement Cancellation Deed dated 10.01.2012 cannot be sustained in the eye of law. It is accordingly quashed. However, liberty is reserved to respondent No.5 to challenge the validity of registered Gift Settlement Deed dated 22.05.2000 executed in favour of the petitioner, in a civil suit.

11. Accordingly, the Writ Petition is disposed of.

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

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Sd/- N. SRIHARI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Secretary, Revenue, Secretariat Buildings, Hyderabad.
2. The Tahsildar and M.R.O., Kattangur Mandal, Kattangur, Nalgonda district.
3. The District Registrar, Nalgonda District, at Nalgonda
4. The Sub Registrar, Nakrekal, Nalgonda District
5. One CC to SRI GOVARDHAN VENU, Advocate [OPUC]

6. Two CCs to GP for REVENUE (STAMPS & REGISTRATION), High Court for the State of Telangana at Hyderabad [OUT]

7. Two CD Copies

BSR

MP

~~MP~~

HIGH COURT

DATED: 23/08/2024



ORDER

WP.No.32965 of 2012

**DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS**

10 MW
1/10/24