

[ 3418 ]

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

TUESDAY ,THE FIRST DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

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

**WRIT PETITION NO: 8024 OF 2013**

**Between:**

Jaideep Kumar Amritraj S/o Sri. S. Charles Amritraj, Aged. 45 Years, R/O House No. 6-3-597/S, Anand Nagar, Khairtabad, Hyderabad, Occ. Advocate.

**...PETITIONER**

**AND**

1. The State of A.P represented by The, Inspector General, Registration and Stamps, A.P, Hyderabad, M.J Market Road, Hyderabad.
2. The District Registrar of Stamps & Assurances., Ranga Reddy District, A.P, Sanathnagar, Hyderabad.
3. The Greater Hyderabad Municipal Corporation, Serilingampally Circle -12, rep by its Deputy Commissioner.
4. Shakuntala Amritraj (**Died per LRs 5 to 7**)W/o Sri. S. Charles Amritraj, Aged., 75 Years, R/o Flat No. 102, Ashray Arcade, M.No. 3-6-361/9, Himayathnagar, Hyderabad, Occ. Household.
5. Ms. Rita Kothakonda nee Rita Amritraj W/o Machender Rao kothakonda aged about 58 years, Occ Software Employee R/o Australia and Represented by her younger sister Renuka Jennifer harding w/o Joseph harding aged 56 years, R/o Flat No. 102, Ashray Arcade, H.No. 3-6-361/9, Himayatnagar, Hyderabad
6. Ms. Renuka Jennifer Harding Nee Renuka Amritraj W/o Joseph Harding aged 57 years, R/o flat No. 102, Ashray Arcade, H.No. 3-6-361/9, Himayatnagar, Hyderabad
7. Raj kumar Amritraj nee Raj Sheelam S/o Late S. Charles Amritraj Aged about 56 years , Occ Private Service ,R/o 6-3-597/8, Anand Nagar , Khairatbad, Hyderabad , 500004

**(Respondent Nos. 5to7 are brought on record as Lrs of deceased Respondent No.4 vide I.A.No. 1 of 2024 in W.P.No. 8024 of 2013)**

**...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 an appropriate Writ, Order or, direction more particularly in the nature of a Writ of Mandamus declaring that the registration of the unilaterally

executed cancellation Deed dated. 20.06.2011 as Document No. 6547 / 2011 by the 2nd Respondent District Registrar, Ranga Reddy District is illegal, null and void as being violative of the law prevailing,

**I.A. NO: 1 OF 2013(WPMP. NO: 10064 OF 2013)**

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 suspension of the cancellation deed dated 20.6.2011 as Document No.6547/2011 in the office of the 2nd respondent District registrar, R.R.District

**Counsel for the Petitioner: SRI. T. SHARATH**

**Counsel for the Respondent Nos. 1&2: SRI MURALIDHAR REDDY KATRAM,  
GP FOR REVENUE  
(STAMPS ANDREGISTRATION)**

**Counsel for the Respondent No.3 : SRI SAMPATH PRABHAKAR REDDY  
(SC FORGHMC)**

**Counsel for the Respondent Nos. 5to7:--**

**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.8024 of 2013**

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

Mr. T. Sharath, learned counsel appears for the petitioner.

Mr. Muralidhar Reddy Katram, learned Government Pleader for Revenue (Stamps & Registration) appears for respondent Nos.1 and 2.

None appeared on behalf of respondent Nos.5 to 7.

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 humbly prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or, direction more particularly in the nature of Writ of Mandamus declaring that the registration of the unilaterally executed cancellation Deed dated. 20.06.2011 as Document No.6547 / 2011 by the 2<sup>nd</sup> Respondent District Registrar, Ranga Reddy District is illegal, null and void as being violative of the law prevailing, and be pleased to pass such further or, other Orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

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3. Facts giving rise to filing of this Writ Petition briefly stated are that the petitioner claims to be the owner and possessor of land measuring 350 Sq.yards in Revenue Survey No.32 situate at Guttala Begumpet Village, Sherilingampally Mandal, Ranga Reddy District. The petitioner had acquired the aforesaid property by virtue of a registered Gift Deed (Settlement) dated 01.07.2005 executed by his mother, respondent No.4, in his favour. The petitioner claims to be in possession of the aforesaid property under the aforesaid Gift Deed (Settlement).

4. According to the petitioner, his sisters as well as his brother, respondent Nos.5 to 7, influenced his mother, who had executed the aforesaid Gift Deed (Settlement), to execute another gift settlement cancellation deed in his favour. The Sub-Registrar thereupon registered Cancellation of Gift Settlement Deed bearing document No.6547 of 2011 dated 20.06.2011. The petitioner has assailed the aforesaid cancellation *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 Nos.5 to 7 ought to have filed a civil suit challenging the validity of the aforesaid Gift Deed (Settlement).
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**<sup>1</sup> wherein it has been held that the cancellation of a registered document can be

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<sup>1</sup> (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 Deed (Settlement).

10. For the aforementioned reasons, the registered instrument of Cancellation of Gift Settlement Deed dated 20.06.2011 cannot be sustained in the eye of law. It is accordingly quashed. However, liberty is reserved to respondent Nos.5 to 7 to challenge the validity of registered Gift Deed (Settlement) dated 01.07.2005 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.

**SDI-A.V.S. PRASAD**  
**ASSISTANT REGISTRAR**  
**SECTION OFFICER**

**//TRUE COPY//**

To,

1. The Inspector General, Registration and Stamps, T.S., Hyderabad, M.J , T.S.,Market Road, Hyderabad.
2. The District Registrar of Stamps & Assurances., Ranga Reddy District, T.S.,Sanathnagar, Hyderabad.
3. The Deputy Commissioner, Greater Hyderabad Municipal Corporation, Serilingampally Circle
4. One CC to SRI. T. SHARATH, Advocate [OPUC]
5. Two CCs to GP FOR REVENUE(STAMPS AND REGISTRATION) ,High Court for the State of Telangana at Hyderabad [OUT]
6. One CC to SRI. SAMPATH PRABHAKAR REDDY(SC FORGHMC) [OPUC]
7. Two CD Copies

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**HIGH COURT**

**DATED:01/10/2024**



**ORDER**

**WP.No.8024 of 2013**

**DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS**

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16/10/2024