

(2009) 04 AP CK 0079

In the Andhra Pradesh High Court

Case No : Writ Petition No. 22060 of 2008

T. Vishwanadham and Others

APPELLANT

Vs

Commissioner (Registrations and Stamps) and Others

RESPONDENT

Date of Decision : 15-04-2009

Acts Referred:

Andhra Pradesh Registration Rules, 1908 — Rule 26

Citation : (2009) 6 ALT 220

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : Ch. Srinivas, for the Appellant; G.P. for Revenue for Respondent Nos. 1 to 4, P. Govind Reddy, for Respondent Nos. 5 to 8 and K. Rana Mohan Mahadeva, for Respondent Nos. 9 to 12, for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—Kadem Beeraiah, alias Beerappa, the 5th respondent herein, is said to have executed a General Power of Attorney for consideration, in favour of the petitioners herein, and one, Mr. P. Bal Reddy, on 15-09-1995. It is stated that the Sub-Registrar, Bibinagar, the 4th respondent herein, cancelled the GPA through a document dated 08-07-2008; and together with respondents 6 to 8, the 5th respondent entered into an Agreement of Sale-cum-General Power of Attorney, in favour of respondents 9 to 12. On 15-07-2008, the petitioners complain that the 4th respondent herein ought not to have registered the deed of cancellation.

2. Heard the learned Counsel for the petitioners, and learned Government Pleader for Revenue.

3. A registered GPA was executed in favour of the petitioners and one, Mr. Bal Reddy, on 15-09-1995, by the 5th respondent. 12 years thereafter, the GPA was cancelled. It may be true that a GPA, coupled with interest, cannot be cancelled unilaterally. For that, the petitioners have to seek remedy elsewhere. The

registration of the deed of cancellation cannot be in violation of Rule 26 (i) (k) of the A.P. Rules, framed under the Registration Act, 1908. The prohibition contained in that Rule operates only as regards the deeds of conveyance. A GPA, even if it is coupled with interest, cannot be treated as a deed of conveyance. Therefore, no exception can be taken to the registration of deed of cancellation of power of attorney. If the petitioners feel aggrieved by any acts or omissions on the part of respondents 5 to 8, they have to work out the remedies by filing a suit.

4. Hence, the writ petition is dismissed, leaving it open to the petitioners to enforce their rights, by filing a civil suit.

5. There shall be no order as to costs.