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

THURSDAY, THE FIFTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 35309 OF 2026

Between:

Molakalapalli Han Babu, S/o. M. Seshaiah, aged about 52 Years, Occ: Business, R/ o. Flat No. 2023, Block - A, Back side of Panchamuka Anjaneya Swamy Temple, Sundar Nagar MM Donka, Prakasham, A. P.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Stamps and Registration Department, Secretariat, Hyderabad.
2. The District Registrar, Sanga Reddy District.
3. The Sub - Registrar, Sanga Reddy (R.O), Sanga Reddy 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 issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondent No. 3 in issuing the Intimation of Refusal vide Refusal Order No. 266 of 2023 dated 15.12.2023 as illegal, arbitrary and contrary to the provisions of Registration Act, 1908 and to the order passed by the Hon'ble Apex Court in K. Gopi Vs. The Sub- Registrar and orders passed by this Hon'ble Court and set-aside the same and consequently direct the Respondent No. 3 to register and release the Sale Deed (P 175/2023) dated 15.03.2023 presented by the Petitioner in respect of House constructed on Plot No. 246, admeasuring 150 Sq. Yards or 125.4 Sq. Meters with an plinth area 200 Sq. Feet, in Sy. No. 1003/Part, Roof covered with ACC, situated at Ameenpur Municipality and Ameenpur Mandal, Sanga Reddy District without reference to Refusal Order No. 266 of 2023 dated 15.12.2023.

I.A. NO: 1 OF 2026

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 direct the Respondent No. 3 to register and release the Sale Deed (P 175/2023) dated 15.03.2023 presented by the Petitioner in respect of House constructed on Plot No. 246, admeasuring 150 Sq. Yards or 125.4 Sq. Meters with an plinth area 200 Sq. Feet, in Sy. No. 1003/Part, Roof covered with ACC, situated at Ameenpur Municipality and Ameenpur Mandal, Sanga Reddy District without reference to Refusal Order No. 266 of 2023 dated 15.12.2023 forthwith pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI S. SRIDHAR

Counsel for the Respondents: GP FOR STAMPS & REGISTRATION

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.35309 2026

C.N.R.No. HBHC010726882026

15th OCTOBER, 2026.

Between:

Sri Arumilli Ramakrishna Prasad

...Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Stamps & Registration Department,
Secretariat, Hyderabad and others.

... Respondents

ORDER:

With the consent of both the parties, this Writ Petition is taken up for disposal at the admission stage itself.

2. This Writ Petition is filed This writ petition is filed declaring the action of the Respondent No.3 in issuing Intimation of Refusal Order vide Refusal Order No.266 of 2023 dated 15.12.2023 as arbitrary and illegal and consequently direct the respondent No.3 to register and release the Sale Deed (P.No.175 /2023) dated 15.03.2023 presented by the petitioner

in respect of House constructed on Plot No.246, admeasuring 150 sq.yards or 125.4 sq.mtrs with an plinth area of 200 sq.ft in Sy.No.1003/part, roof covered with ACC, situated at Ameenpur Municipality and Mandal, Sanga Reddy district without reference to the Refusal Order dated 15.12.2023.

3. Heard Sri S. Sridhar, learned counsel appearing for the petitioner and learned Government Pleader for Stamps and Registration appearing for the respondents.

4. Learned counsel for the petitioner submits that the originally C. Bhoopal Reddy was the absolute owner and possessor of Plot No.246, admeasuring 150 sq.yards in Sy.No.1003/part, situated at Ameenpur Municipality and mandal, Sanga Reddy district, having purchased the same through a registered sale deed bearing document No.2993 of 2012 dated 03.03.2012 and thereafter, the said Bhopal Reddy constructed a house on the said Plot No.246 and sold the same to the petitioner's vendor i.e., Janupula Ramchandra Reddy through a registered sale deed vide File No.G1/6408/2022 dated 01.02.2023. Thereafter, the petitioner's vendor has offered to sell the said property in favour of petitioner and the

petitioner has agreed to purchase the same for a valid consideration. Accordingly, sale deed dated 15.03.2023 was executed and presented before the respondent No.3, however, the respondent No.3 has refused to receive the sale deed vide Refusal Order No.266 of 2023. It is further submitted that the issue involved in this Writ Petition is squarely covered by the order passed by this Court in W.P.No.16310 of 2019 and batch dated 11.01.2023 and also recent Judgment of the Hon'ble Supreme Court in ***K.Gopi v. The Sub-Registrar***[1] and requested to pass similar order in this Writ Petition also.

5. Learned Government Pleader appearing for the respondents had not disputed the submission made by the learned counsel for the petitioner.

6. A perusal of the impugned refusal order dated 15.12.2023, discloses that the registration of the sale deed presented by the petitioner was refused on the following reasons:

> "Registration of the document is refused as it is part of an unauthorized layout and is in violation of the Commissioner and Inspector General, Registration and stamps Memo No. G2/257/2019, Dt: 26.08.2020 & 29.12.2020.

[1]2025 SCC OnLine SC 740

In view of the above the pending document bearing no. 175/2023 has been refused the registration and also as per the instructions of the Commissioner and Inspector General of Registration and Endorsement No. CIG MAIL/AR/2008, Dt: Stamps 02.01.2008 unregistered and validated document cannot be accepted as a valid Link Document for registration. Further the C& IGRS through circular no. 13450/2007 dt: 21.07.2008 instructed registering authority to verify link document before registration

I therefore refuse registration of the document under section 71 of the Registration Act, 1908."

7. In this context, it is to extract the relevant portion of the order in W.P.No.16310 of 2019 and batch dated 11.01.2023, which is as under:

13. The power of the registering authority to refuse registration is only, if any of the grounds or objections that are enumerated under the provisions of the Registration Act, 1908, and the Rules made thereunder in particular Sections 19, 20, 21, 22-A, 34, 35 and rule 58 of the Telangana Rules under the Registration Act, 1908, are existing in respect of any such document presented for the registration. Except, the grounds or objections that are enumerated under the provisions of the Registration Act, 1908, the registering authorities have no authority to refuse registration of a document on any other ground. As already noted above, the ground on which the impugned refusal orders in all these batch of Writ Petitions are passed is that the link document shown in the respective documents is a validated and an unregistered document. By looking into a validity of the link document, the registering authority is indirectly verifying whether the executants of the respective documents are having valid title or not to execute the documents in question. As held in the above referred judgment in the case of Dr. Yadla Ramesh Naidu (1 supra), the registering authority is not entitled to go into the title of the parties to the document. It is a settled law that the vendee under a document will not get a better title than his vendor and in case if vendor is not having a valid title over the property which is the subject matter of a particular document, the vendee under the said document does not get any title over such property and mere registration of such document will not have an effect on the property which is the subject matter of the said document.

14. As rightly conceded by the learned Government Pleader for Stamps and Registration, the registering authorities are not

> entitled to refuse registration of a document on mere ground that the title of the executants of the respective document is based upon the validated document, though the same is compulsorily registerable document cannot be accepted and such a ground is not available to the registering authorities to refuse registration of a document on that ground.
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> ...
>
> 19. In the light of the above, this Court is unhesitant to hold that the respondent registering authorities are not entitled to refuse registration of a document on the ground that the link document referred to in the respective document is a validated document or to refuse registration of such document by placing reliance on endorsement, dated 02.01.2008, issued by the Commissioner and Inspector General of Stamps and Registration. Accordingly, the impugned orders in the respective Writ Petitions are set aside and Writ Petitions are allowed with a further direction to the respondent registering authorities to receive the returned documents and to process the same subject to the condition of the said documents complying with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899.

8. In ***K.Gopi's*** case (1 supra), the Hon'ble Supreme Court held as under:

> "The registering officer is not concerned with the title held by the executant. He has no adjudicatory power to decide whether the executant has any title. Even if an executant executes a sale deed or a lease in respect of a land in respect of which he has no title, the registering officer cannot refuse to register the document if all the procedural compliances are made and the necessary stamp duty as well as registration charges/fee are paid. We may note here that under the scheme of the 1908 Act, it is not the function of the Sub-Registrar or Registering Authority to ascertain whether the vendor has title to the property which he is seeking to transfer. Once the registering authority is satisfied that the parties to the document are present before him and the parties admit execution thereof before him, subject to making procedural compliances as narrated above, the document must be registered. The execution and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer.

9. In view of the order in W.P.No.16310 of 2019 and batch dated 11.01.2023 as well as the Judgment of the Hon'ble

Supreme Court in ***K. Gopi's*** case (1 supra) and in terms thereof, this Writ Petition is disposed of directing the respondent authorities to receive, register and release the document bearing P.No.175 of 2023 dated 15.03.2023 presented by the petitioner in respect of the subject property, without reference to the Intimation of Refusal No.266 of 2023 dated 15.12.2023, subject to the condition that the said document complies with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899.

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

SD/-K.V.O.NARSI BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Stamps and Registration Department, The State of Telangana, Secretariat, Hyderabad.
2. The District Registrar, Sanga Reddy District.
3. The Sub - Registrar, Sanga Reddy (R.O), Sanga Reddy District.
4. One CC to SRI S. SRIDHAR, Advocate [OPUC]
5. Two CCs to GP FOR STAMPS & REGISTRATION, High Court for the State of Telangana, at Hyderabad [OUT]
6. Two CD Copies

BN
PB

CC TODAY

HIGH COURT

DATED: 15/10/2026

ORDER

WP.No.35309 of 2026



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

(9)
17/10/26
K.K