

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

**TUESDAY, THE TWENTY NINTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 32411 OF 2026

Between:

Peguda Narasimha, S/o. Peguda Venkaiah, Aged about 78 yrs, Occ: Rtd.
Employee, R/o. H.No.3-2-9, Old Village, Mallapur, Uppal Mandal, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue, Stamps and Registration Department, Secretariat, Hyderabad.
2. The Commissioner and Inspector General, Registrations and Stamps, Government of Telangana, Hyderabad.
3. The District Registrar, Registration and Stamps, Medchal-Malkajgiri District.
4. The Sub-Registrar, Registrar Office, Kapra, Medchal-Malkajgiri 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 an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th Respondent in keeping the Sale Deed pending vide P.No.52/2026 dated 07.09.2026 and subsequently passing the Refusal Order vide L.R.No.331/2026 of P.52/2026/Refusal Order No.11/2026 dated 11.09.2026 refusing registration the Sale Deed in respect of Plot No.8 in Sy.Nos.106 and 107 admeasuring 166 Yards or 138.77 Sq Mtrs situated at Sai Nagar Colony, Mallapur Village, MMC Kapra Circle, Uppal Mandal, Medchal-Malkajgiri District on the ground the subject plot forms part of an unapproved layout though the petitioners to pay requisite payment as required under G.O.Ms.No.28 dt.20.02.2025 of the

subject plot has been produced as illegal arbitrary without jurisdiction to the provisions of the Registration Act 1908 and violative of Articles 14 and A of the Constitution of India and consequently set aside the said Refusal Order and direct the 4th Respondent to register and release the Sale Deed presented by the petitioner by collecting requisite charges as per G.O.Ms.No.28 dt.20.02.2025 without reference to the impugned Refusal Order vide L.R.No.331/2026 of P.52/2026/Refusal Order No.11/2026 dated 11.09.2026 as the subject compliance with the provisions of the Act without reference to the C&IG Memo No.G2/257/2019 dated 26.08.2020 and the consequential instructions dated 31.12.2020 subject to compliance with the provisions of the Registration Act 1908 the Indian Stamp Act 1899 and payment of such statutory charges if any as may be applicable.

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 4th Respondent to register and release the Sale Deed presented by the petitioner vide P.No.52/2026 dated 07.09.2026 in respect of Plot No.8 in Sy.Nos.106 and 107 admeasuring 166 Sq Yards or 138.77 Sq. Mtrs. situated at Sai Nagar Colony, Mallapur Village, under MMC Kapra Circle, Uppal Mandal, Medchal-Malkajgiri District, by collecting requisite charges as per G.O.Ms.No.28, dt 20.02.2025 without reference to the impugned Refusal Order vide L.R.No.331/2026 of P.52/2026/Refusal Order No.11/2026 dated 11.09.2026, pending disposal of the writ petition.

Counsel for the Petitioner: SRI SANJEEVA REDDY GARLAPATI

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.32411 OF 2026

CNR.No. HBHC010663932026

29th SEPTEMBER, 2026.

Between:

Peguda Narasimha.

...Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Revenue (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 aggrieved by the action of respondent No.4 in refusing to register and release the Sale Deed *vide* pending Document P.No.52/2026 dated 07.09.2026 by issuing Refusal Order/Intimation No.11 of 2026 dated 11.09.2026 in respect of the Plot bearing No.08 admeasuring 166 sq. yards or its equivalent to 138.77 sq. meters in Sy.Nos.106 and 107, situated at Sai Nagar Colony, Mallapur

village, under MMC Kapra Circle, Uppal Mandal, Medchal-Malkajgiri District, as illegal and arbitrary.

3. Heard Mr. Sanjeeva Reddy Garlapati, 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 petitioner is the absolute owner and possessor of the subject land, having acquired the same under the Agreement of Sale dated 22.08.2026. Subsequently, the petitioner presented the said Agreement of Sale before the authorities for validation and payment of deficit stamp duty. While the matter stood thus, on 07.09.2026, the petitioner executed Sale Deed before respondent No.4 in favour of the purchaser for registration. However, the same was initially kept pending *vide* document P.No. 52/2026 dated 07.09.2026, respondent No.4 has refused to register the sale deed, which is wholly unsustainable in view of the common order passed by this Court dated 11.01.2023, in W.P.No.16310 of 2019 & batch, as well as the recent decision rendered by the Hon'ble Apex Court in ***K.Gopi v. The Sub-***

Registrar¹. Therefore, learned counsel seeks indulgence of this Court to direct respondent No.4 to register and release the sale deed presented by the petitioner.

5. The above made submissions are not seriously disputed by learned Assistant Government Pleader appearing on behalf of the respondents. However, it is submitted that as per paragraph 3 of the amendments issued in G.O.Ms.No.28, Municipal Administration and Urban Development (Plg.III), dated 20.02.2025, any unregistered plots, which are forming a part of an unauthorized layout, wherein, 10% of plots were already sold through registered sale deed on or before 26.08.2020, irrespective of whether such owners have applied for LRS-2020 or not, shall be permitted for registration, duly collecting the layout regularization charges and pro-rata open space charges as mandated. As such, the petitioner has to pay requisite LRS fees for layout regularization (LRS2020) as per G.O.Ms.No.28 dated 20.02.2025 for regularization of the subject plots.

6. At this juncture, learned counsel for the petitioner submits that the petitioner has already paid the requisite LRS

¹2025 SCC OnLine SC 740

fees as per G.O.Ms.No.28 dated 20.02.2025, for regularization of the subject plots.

7. Learned Assistant Government Pleader fairly submits that the respondent authorities will consider the case of the petitioner and take appropriate action in accordance with law.

8. A perusal of the impugned refusal order dated 11.09.2026, discloses that the registration of the sale deed presented by the petitioner was refused on the following reasons:

“As per C&IG Memo No.G2/257/2019, dated 26-08-2020 and instructions dated 29-12-2020, no new plot shall be registered unless the same is approved by the competent authority of forms part of an authorised layout. Registration may be taken up only in respect of plots/structures previously acquired through valid registered documents, authorised layouts, plots regularised under applicable or LRS/BRS/BPS schemes.

. In the present case, the subject Plot No.8 is stated to be in an unapproved layout, and no , earlier valid registered document establishing prior registration/acquisition of the subject individual plot or any approved layout/regularisation proceedings has been produced.

Therefore, the registration of the subject new plot in the unauthorised/unapproved layout is not permissible.

Hence, in exercise of the powers under Section 71 of the Registration Act, 1908, the registration of Pending Document No.52/2026 is hereby REFUSED for the reasons stated above.”

9. 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.

...

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.

10. 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.

11. 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 No.4 to receive, register and release the document bearing P.No. 52/2026 dated 07.09.2025 presented by the petitioner in respect of the subject property, without reference to the Intimation of Refusal No. 11 of 2026 dated 11.09.2026

passed by respondent No.4, subject to the petitioner paying the requisite charges as per G.O.Ms.No.28 dated 20.02.2025, as well as subject to compliance with the provisions of the Registration Act, 1908, and Indian Stamps Act, 1899. It is open for the Registering Authority to refuse registration of the subject document on any other reasons, duly assigning such reasons for refusal in terms of Section 71 of the Act, 1908, and communicate the said decision to the petitioner. It is made clear that mere registration of the document does not confer title on the subject property and this order would not have any bearing on all those matters where title/rights of the parties are pending, if any, before the authorities, either in revision/appeals for adjudication, and in any other case, this order also shall not preclude the parties in asserting their rights before a competent Court of law.

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

//TRUE COPY//

**SD/- M. OSMAN ALI BAIG
ASSISTANT REGISTRAR**



SECTION OFFICER

To,

1. The Principal Secretary, Revenue Stamps and Registration Department, Secretariat, Hyderabad.

2. The Commissioner and Inspector General, Registrations and Stamps, Government of Telangana, Hyderabad.
3. The District Registrar, Registration and Stamps, Medchal-Malkajgiri District.
4. The Sub-Registrar, Registrar Office, Kapra, Medchal-Malkajgiri District.
5. One CC to SRI SANJEEVA REDDY GARLAPATI, Advocate [OPUC]
6. Two CCs to GP FOR STAMPS & REGISTRATION, High Court for the State of Telangana, at Hyderabad [OUT]
7. Two CD Copies

BSR

TKS



CC TODAY

HIGH COURT

DATED: 29/09/2026

ORDER

WP.No.32411 of 2026



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

10 copies
19-
11/10/26