

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

**THURSDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 33669 OF 2025

Between:

1. Sri. Kotha Suryaprakash Rao, S/o Sri Kotha Narayana, aged about 60 years, Occ . Business, R/o H.No. 1-83, Kokkireni, Khammam, Thirumalayapalem, Telangana.
2. Sri. Shaik Yakub Pasha, S/o Fathe Mohammed, aged about 36 years, Occ . Business, R/o H.No. 11-11-199/1/4/B, Journalist Colony, Vikalangula, Colony Main Road, Khammam, Telangana.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Sanga Reddy District, Telangana.
3. The District Registrar, Sanga Reddy District, Telangana.
4. The Joint Sub Registrar I, RO (OB) Patancheru, Sanga Reddy District, Telangana.

...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, to set aside the Refusal Order No. 35 of 2025, dated 12-09-2025 vide intimation Memo No. 364/2025, dated 16-09-2025, issued by the 4th respondent in refusing the sale deed P.No.775/2025, dated 20-08-2025 presented by petitioners in respect of Property Part of Plot bearing No. 28, Admeasuring 333.00 Square yards

or equivalent to 278.42 Square meters, (Out of 666.00 Square yards), in Sy.No. 220, situated at Patighanapoor Village, Pantancheru Mandal, Sanga Reddy District, Telangana, (previously Patighanapoor Village, Taluka Sangareddy, District, Medak) by Direct Respondent No.4 to receive, to process for registering Sale Deed presented by the Petitioners in respect of Property Part of Plot bearing No. 28, Admeasuring 333.00 Square yards or equivalent to 278.42 Square meters. (Out of 666.00 Square yards), in Sy.No. 220, situated at Patighanapoor Village, Pantancheru Mandal, Sanga Reddy District, Telangana, (previously Patighanapoor Village, Taluka Sangareddy, District, Medak), without the reference of the Memo No. 364/2025, dated 16/09/2025 issued by Respondent No.4, and consequently to direct the 4th Respondent to receive, process to register and release the sale deeds presented by the petitioner pertaining to the subject property.

I.A. NO: 1 OF 2025

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 pass orders by directing the 4th Respondent to receive, process to register and release the sale deeds presented by the petitioner pertaining to the subject Property Part of Plot bearing No. 28, Admeasuring 333.00 Square yards or equivalent to 278.42 Square meters, (Out of 666.00 Square yards), in Sy.No. 220, situated at Patighanapoor Village, Pantancheru Mandal, Sanga Reddy District, Telangana, (previously Patighanapoor Village, Taluka Sangareddy, District, Medak), till pending disposal of the above Writ Petition.

**Counsel for the Petitioner: SRI VEDULA VENKATA RAMANA SR. COUNSEL
FOR SRI K.HARISH KUMAR**

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 MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.33669 OF 2025

DATED: 18.06.2026

Between:

Sri Kotha Suryaprakash Rao and other

... Petitioners

AND

The State of Telangana and 3 others.

...Respondents

ORDER:

Heard Sri Vedula Venkata Ramana, learned Senior Designated Counsel representing, Sri K. Harish Kumar, learned counsel appearing on behalf of the petitioners on record and learned Government Pleader for Stamps. and Registration, appearing on behalf of the respondents.

2. The petitioners approached the Court seeking prayer as under:

"...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to set aside the Refusal Order No.35 of 2025, dated 12.09.2025 vide intimation Memo No.364/2025, dated 16.09.2025 issued by the 4th respondent in refusing the sale deed P.No.775/2025, dated 20.08.2025 presented by

petitioners in respect of Property Part of Plot bearing No.28, Admeasuring 333.00 Square yards or equivalent to 278.42 Square meters, (Out of 666.00 Square yards), in Sy.No.220, situated at Patighanapoor Village, Pantancheru Mandal, Sanga Reddy District, Telangana, (previously Patighanapoor Village, Taluka Sangareddy, District, Medak) by Direct Respondent No.4 to receive, to process for registering Sale Deed presented by the Petitioners in respect of Property Part of Plot bearing No.28, Admeasuring 333.00 Square yards or equivalent to 278.42 Square meters, (Out of 666.00 Square yards), in Sy.No.220, situated at Patighanapoor Village, Patancheru Mandal, Sanga Reddy District, Telangana, (previously Patighanapoor Village, Taluka Sangareddy, District, Medak), without the reference of the Memo No.364/2025, dated 16.09.2025 issued by Respondent No.4, and consequently to direct the 4th Respondent to receive, process to register and release the sale deeds presented by the petitioner pertaining to the subject property, and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the above in the interests of justice and equity”.

3. The case of the petitioners in brief as per the averments made in the affidavit filed by the petitioners in support of the present Writ Petition is as under:-

The petitioner No.1 is the absolute owner and possessor of part of Plot No.28, admeasuring 333 Sq. Yards in Sy.No.220, situated at Patighanapoor Village, Patancheru Mandal, Sangareddy District, Telangana, having acquired the same through a validated sale deed. Subsequently, petitioner No.1 executed a sale deed in favour of petitioner No.2 and presented

the same for registration before the 4th respondent upon payment of requisite stamp duty and registration charges.

However, the 4th respondent refused registration vide Refusal Order No.35 of 2025, dated 12.09.2025, on the ground that the validated document cannot be treated as a link document and that the subject property amounts to subdivision of Plot No.28. Aggrieved thereby, the petitioners have filed the present writ petition.

PERUSED THE RECORD:

4. The order impugned refusal order No.35 of 2025 dated 12.09.2025 issued by the District Registrar of Patancheru At Sangareddy, is extracted hereunder:-

It is hereby informed that the document executed on 20th August 2025 by Kotha Suryaprakash Rao S/o Kotha Narayana in favour of Shaik Yakub Pasha S/o Fateh Mohammad and presented before the undersigned and admitted as P.No.775 of 2025 on 20th May, 2025 has been refused registration for the following reasons.

"Thus in the registration of this pending document there are two points which are not complying with the Instructions contained in C&IG Mail Dt.02.01.2008 writ validated **(un-registered and adjudicated) document not to be treated as a Link Document.** Second point is the pending document contains plot No.28 divided into half (which was purchased through Doct.8297/1984) which is

against the instructions contained in C&IG Memo NO.G2/257/2019 Dt.26.08.2020 where it is stated that: **"No new plot or sub-division shall be registered by Registration Authority unless it is approved by the authority as per the provisions of the Act. "Hence for these two reasons the document is refused registration".**

Hence the document is refused from registration under Section 71 of the Act.

An appeal against this refusal order lies to the District Registrar, Patancheru @ Sangareddy, under Section 72 of Registration Act 1908 within (30) thirty days from the date of receipt of the Refusal Order.

The refusal order has been passed by the undersigned on 12.09.2025. A copy of the refusal order will be granted to the party upon application to the undersigned.

5. Learned Senior Designated Counsel appearing on behalf of the petitioners mainly put-forth the following submissions:

i). Referring to the instructions contained in the C&IG Mail dated 02.01.2006, it is stated in the refusal order that un-registered and adjudicated document shall not be treated as a Link document.

ii). The refusal order further indicates that the pending document contains plot No.28, which has been divided into halves (which was purchased through Doc No.8297/1984) and the same is contrary to the instructions contained in C&IG memo

No.G2/257/2019, dated 26.08.2020, wherein it is stated that "No new plot or sub-division shall be registered by the Registration Authority unless it is approved by the authority as per the provisions of the Act" and hence the subject document had been refused for registration.

iii). Such refusal is contrary to the provisions of the Registration Act, 1908 and also to the law laid down by the Hon'ble Apex Court in its judgment **dated 07.04.2025 passed in *K. Gopi Vs. The Sub-Registrar and others*, reported in 2025 LiveLaw (SC) (402),**

iv). Insofar as the second reason assigned for refusing registration of the subject document is concerned there is no such restriction indicated even as per the provisions of the Registration Act, 1908

v). The impugned Refusal Order No.35 of 2025 dated 12.09.2025 issued by the District Registrar of Patancheru at Sangareddy, is contrary to the provisions of the Registration Act, 1908.

Based on the aforesaid submissions, the learned Senior Designated counsel appearing on behalf of the

petitioners contends that the petitioners are entitled for the relief as prayed for in the present writ petition.

6. The learned Assistant Government Pleader appearing on behalf of the respondents contends that there is a provision for an appeal against the said order impugned passed by the 3rd respondent dated 12.09.2025 and, therefore, the petitioners could avail the appeal.

DISCUSSION AND CONCLUSION:

7. **The Apex Court vide its judgment dated 07.04.2025 reported in 2025 (402) LiveLaw (SC) (402) in K.Gopi Vs. The Sub-Registrar and others¹ At para '15' of the said Judgment observed as under:-**

"15. 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

¹ Civil Appeal No.3954 of 2025 dated 07.04.2025

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."

8. The relevant portion of the order of this Court vide order dated 11.01.2023 passed in W.P.No.16310 of 2019 and batch is extracted hereunder:-

"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."

9. This Court opines that the impugned two reasons as indicated in the refusal order No.35 of 2025 dated 12.09.2025 issued by the 4th respondent are unreasonable, illogical, illegal since no such restrictions can be imposed even as per the provisions of the Registration Act, 1908 and also as per the Law laid down

by this Court on the subject issue. Hence this Court opines that petitioner is entitled for grant of relief in the present writ petition.

10. TAKING INTO CONSIDERATION:

(a) The aforesaid facts and circumstances of the case,

(b) The submissions made by the learned Senior Designated Counsel appearing on behalf of the petitioners and learned Government Pleader appearing on behalf of the respondents,

(c) The contents of the impugned Refusal order No.35 of 2025 dated 12.09.2025 (referred to and extracted above),

(d) The Apex Court judgment reported in 2025 LiveLaw (SC) (402) passed in K.Gopi Vs. The Sub Registrar (referred to and extracted above),

(e) The Judgment dated 11.01.2023 passed in W.P.No.16310 of 2019 and batch, (referred to and extracted above),

(f) The discussion and conclusion as arrived at para Nos.7 to 9 of the present order.

The writ petition is disposed of directing the Respondent Authority to receive and register the sale deed P.No.775 of 2025 dated 20.08.2025 presented by the petitioners in respect of Property Part of Plot bearing No.28, Admeasuring 333.00 Square yards or equivalent to 278.42 Square meters, (Out of 666.00 Square yards), in Sy.No.220, situated at Patighanapoor Village, Pantancheru Mandal, Sanga Reddy District, Telangana, (previously Patighanapoor Village, Taluka Sangareddy, District, Medak), without reference to the impugned Refusal Order No.35 of 2025, dated 12.09.2025 vide intimation Memo No.364 of 2025 pertaining to the document No. P.No.775/2025, dated 20.08.2025 subject to the condition of the said document complying with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

//TRUE COPY//

SD/- M.VIJAYA BHASKER
JOINT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Commissioner and Inspector General of Registration and Stamps, Sanga Reddy District, Telangana.
3. The District Registrar, Sanga Reddy District, Telangana.

4. The Joint Sub Registrar I, RO (OB) Patancheru, Sanga Reddy District, Telangana.
5. One CC to SRI K.HARISH KUMAR, Advocate [OPUC]
6. Two CCs to GP FOR STAMPS & REGISTRATION, High Court for the State of Telangana, at Hyderabad [OUT]
7. Two CD Copies

PMK

TKS



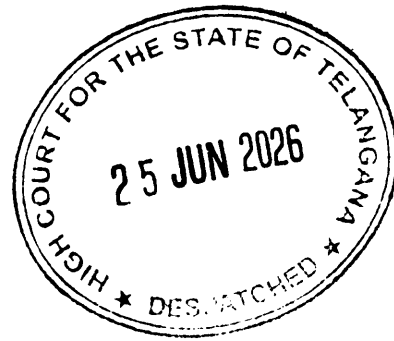
HIGH COURT

CC TODAY

DATED: 18/06/2026

ORDER

WP.No.33669 of 2025



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(10) (SPS)
25/6/26