

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

**WEDNESDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 8883 OF 2026

Between:

1. Mohammed Mukthar, S/o. Mohammed Gafoor, Aged. 38 years, Occ. Business, R/o. H.no.1-2-33/19A, A.S. Raju Nagar, Hyder Nagar, Kukatpally, Medchal- Malkajgiri District
2. Mohammed Gafoor, S/o. Yakoob Sab, Aged. 62 years, Occ. Business, R/o. H.No.1-6, Nagdhar, Kalher Mandal, Medak District.

...PETITIONERS

AND

1. The State of Telangana, Represented by its Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat Buildings, At BRKR Bhavan, Hyderabad.
2. The District Registrar, Medchal Malkajgiri District
3. The Sub-Registrar, Kukatpally, Medchal Malkajgiri District
4. The Commissioner and Inspector General, Registration and Stamps, Telangana, Hyderabad

...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 Order, Direction or Writ, more particularly a Writ of Mandamus declaring the Refusal Order No.08/2026 Dt. 17.03.2026 passed by the Respondent No.3 thereby refusing to register the Sale Deed Dt.11.03.2026 vide P. No. P23/2026 on the ground that there is no link document and as per the instructions of the Commissioner and Inspector General R&S, Telangana Hyderabad vide Memo. No. G2/257/2019 Dt. 26.08.2020 in respect of the plot No.19/1 admeasuring 200 Sq. Yds or equivalent to 167.2 Sq. mtrs in Sy. No.72 situated at Hyderanagar Village,

Balanagar Revenue mandal, Medchal Malkajgiri District as illegal, improper, unjust, arbitrary, without jurisdiction and contrary to law and being violative of Art.14, 21 and 300A of the Constitution of India and consequently set aside the same and further direct the respondent no.3 to receive and register the Gift Deed Dt.11.03.2026 vide P. No. P23/2026 in accordance with law.

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 receive and register the Gift Deed Dt.11.03.2026 vide P.No.P23/2026 in respect of the plot No.19/1 admeasuring 200 Sq. Yds or equivalent to 167.2 Sq. mtrs in Sy. No.72 situated at Hyderanagar Village, Balanagar Revenue mandal, Medchal Malkajgiri District, in accordance with law, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI V.YADU KRISHNA SAINATH

**Counsel for the Respondents: Ms. S.SRAVANTHI,
AGP 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.8883 OF 2026

25th MARCH, 2026

Between:

Mohammed Mukthar and another.

...Petitioners

AND

State of Telangana,
rep. by its Principal Secretary,
Revenue (Stamps and Registration) Department,
Secretariat buildings, At BRKR Bhavan, Hyderabad,
and (3) others

... Respondents

ORDER :

Heard the learned counsel for the petitioner and Ms.S.Sravanthi, learned Assistant Government Pleader appearing for the respondents. With their consent, this Writ Petition is disposed of at the stage of admission.

2. Learned counsel for the petitioners submitted that the petitioners filed the present Writ Petition seeking to declare the Refusal Order No.08/2026, dated 17.03.2026 passed by the

respondent No.3, thereby refusing to register the Sale Deed dated 11.03.2026 *vide* P.No.P23/2026 on the ground that there is no link document and as per the instructions of the Commissioner and Inspector General (R&S, Telangana, Hyderabad *vide* Memo.No.G2/257/2019, dated 26.08.2020 in respect of the plot No.19/1 admeasuring 200 Sq.Yards or equivalent to 167.2 Sq.Mtrs in Sy.No.72 situated at Hyderanagar village, Balanagar Revenue Mandal, Medchal Malkajgiri District as illegal, improper, unjust, arbitrary, without jurisdiction and contrary to law and being violative of Article 14, 21 and 300-A of the Constitution of India and consequently set aside the same and further direct the respondent No.3 to receive and register the Gift Deed dated 11.03.2026 *vide* P.No.P23/2026, in accordance with law.

3. It is further submitted that the subject matter of this Writ Petition is squarely covered by the order dated 25.09.2025 passed by this Court in W.P. No.28295 of 2025 and requested the Court to pass similar order in this writ petition.

4. The above made submissions are not seriously disputed by the learned Assistant Government Pleader appearing for the respondents.

5. Having gone through the material made available on the record and the submissions made by the learned counsel on either side, it is essential and necessary to extract the relevant paragraph Nos.7 and 8 of the order dated 25.09.2025 passed by this Court in W.P. No.28295 of 2025, which reads as under:

Paragraph No.7: After hearing both sides and on perusing the entire material on record, this Court is of the considered view that the objections raised by the registering authority with regard to linked documents is considered by this Court in W.P.No.8556 of 2025 and passed orders on 10.04.2025 and the relevant portion of the said order reads as under:

“4.The relevant portion of the order in W.P.No.16310 of 2019 and batch dated 11.01.2023 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."

5. In **K. Gopi's** case (supra 1), 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."

6. In view of the submissions made on either side and following the orders passed by this Court in W.P.No.8556 of 2025 dated 10.04.2025 and also G.O.Ms.No.28, Municipal Administration and Urban Development (Plg.III) Department, dated 20.02.2025, this Writ Petition is disposed of directing the respondent authorities to register and release the subject document presented by the petitioner vide pending document No.P.23 of 2026 dated 11.03.2026 in respect of the subject property, without reference to the impugned refusal order No.08/2026 dated 17.03.2026 passed by respondent No.3, 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 pending, if any, in this Writ Petition, shall also stand closed.

Sd/-A.S REENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, Secretariat Buildings, At BRKR Bhavan, Hyderabad, State of Telangana.
2. The District Registrar, Medchal Malkajgiri District.
3. The Sub-Registrar, Kukatpally, Medchal Malkajgiri District.
4. The Commissioner and Inspector General, Registration and Stamps, Telangana, Hyderabad.
5. One CC to SRI V.YADU KRISHNA SAINATH, 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/PMK

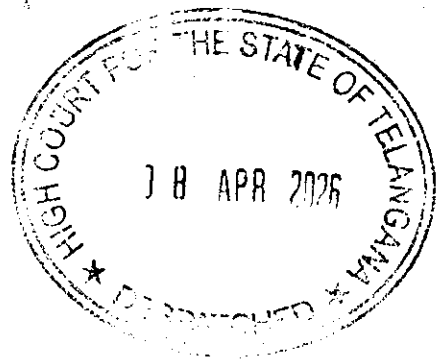
CC TODAY

HIGH COURT

DATED: 25/03/2026

ORDER

WP.No.8883 of 2026



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

(10) NT
8/4/26.