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W.P.No.41684

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

W.P No. 41684 of 2025

Dharmalingam

Petitioner

Vs

1. The Inspector General Of Registration,
Santhome High Road,
Pattinapakkam, Chennai 600 028.

2. The Deputy Inspector General of
Registration, Salem.

3. The District Registrar (Administration),
Salem South.

4. Selvamani
D/o.Vairappan,
The Sub Registrar,
Magudamchavadi,

Sankari Taluk,
Salem District.

5. R.Pachamuthu

6.R.Ashok Kumar

Respondents



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Prayer:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents 1 to 3 to initiate appropriate proceedings as provided under Sections 82 and 83 of the Registration Act (Act 16 of 1908) against respondents 5 and 6, and consequent disciplinary action against the 4th respondent in accordance with law, by considering the petitioner representation dated 29.07.2025.

For Petitioner	:	Mr.K.Sathish Kumar
For Respondents	:	Mr.Abhishek Murthy Government Advocate

ORDER

This Writ Petition has been filed seeking direction to the respondents 1 to 3 to initiate appropriate proceedings as provided under Sections 82 and 83 of the Registration Act (Act 16 of 1908) against respondents 5 and 6, and consequent disciplinary action against the 4th respondent in accordance with law, by considering the petitioner representation dated 29.07.2025.



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2. The facts giving rise to the writ petition, in a nutshell are as follows:

(i) The Petitioner is a senior citizen aged 79 years. He acquired title over a portion of land in S.F.No.259/2 (sub-divided as 259/2A1CI) at Ernapuram Village, Sankagiri Taluk, through a compromise decree in O.S.No.119 of 2020 and subsequent Court executed Sale Deed dated 11.12.2024, duly registered as Doc.No.93/2025. The revenue records and encumbrance certificate also reflect his title. Thereafter, the petitioner entered into Sale Agreement with one Ramesh and the same was registered on the file of the 4th Respondent on 20.01.2025 vide Doc.No.318/2025.

(ii) While so, the 4th respondent/ Sub-Registrar, without proper verification, illegally registered Doc.No.4095/2025 on 04.06.2025 in favour of the 5th respondent based on a conveyance executed by 6th respondent, which included the petitioner's property, which was already covered by Sale Deed dated 11.12.2024. When questioned about the same, the 4th respondent/Sub Registrar instead of rectifying her fraudulent act, lodged a false complaint against the petitioner in F.I.R.No.237/2025 alleging that on 23.06.2025, the petitioner along with others defamed her. Thereafter, the petitioner submitted a representation dated 29.07.2025 to the respondents highlighting the fraudulent registration. The 2nd respondent vide



communication dated 29.08.2025 has forwarded the same to the 3rd respondent for necessary action. Since, no action has been taken on the same, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

3. The learned counsel appearing for the petitioner would submit that the petitioner being a senior citizen is solely dependent on the income of the subject property. Due to fraudulent registration, petitioner is facing severe financial hardship. He therefore prays to allow this Writ Petition.

4. Learned Government Advocate appearing for the Respondents 1 to 3 would submit that according to the petitioner, the respondents 5 and 6 have committed the offence of fraud on the petitioner. In the event, if the fraud said to have been committed by the 5th respondent was brought to the knowledge of the 4th respondent, during the course of registration, the 4th respondent/Sub Registrar himself would have certainly not registered the sale deed, and might have taken steps for initiation of criminal prosecution against the respondents 5 and 6 as per Sections 82 and 83 of the Act., but, according to the petitioner, the 4th respondent, the Sub Registrar has also colluded with the respondents 5 and 6 and registered the fraudulent Sale Deed, therefore, in such an event, even assuming that there is veracity in the complaint



given by the petitioner to the respondents 1 to 3 regarding the fraudulent registration, the said Authorities cannot take any suo moto action, as permission of the higher officials as mentioned in Sections 82 and 83 of the Act has to be obtained. Therefore, he would submit that if the petitioner is aggrieved by the acts of the respondents 4 to 6, he can very well file the criminal complaint against them for such alleged fraud instead of requiring the respondents 1 to 3 to look into the matter. In support of his contentions, he referred to the Judgment of the Hon'ble Supreme Court in the case of ***Dharmadeo Rai Vs. Ramnagina Rai*** reported in ***(1972) 1 SCC 460***, and the order of this Court in the case of ***K.Vijayakumar Vs. The Inspector General of Registration and others (W.P.No.21740 of 2011 dated 12.04.2012)***. He therefore prays for dismissal of this Writ Petition.

5. I have given due consideration to the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. It is the case of the petitioner that the 6th respondent had fraudulently executed a sale deed, pertaining to the petitioner's property, in favour of 5th respondent. Further, he alleges that the 4th respondent, being the Registering Authority, had failed to verify the title of the said property at the time of registration

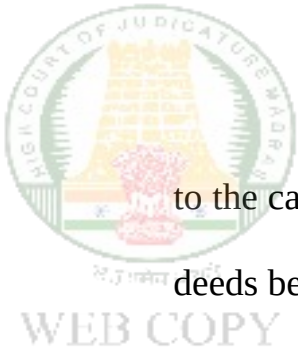


and thus, he had also committed a fraud by registering the fabricated sale deed executed by the 6th respondent.

7. However, this Court is of the view that the Registering Authority cannot be expected to be aware of the title of the property, pertaining to which the sale deed is presented for the purpose of registration. On the other hand, if the petitioner suspects that the 4th respondent had colluded with the respondents 5 & 6 and registered the sale deed behind the back of the petitioner, it is very well open to him to launch a criminal prosecution against them.

8. In terms of Sections 82 & 83 of the Act, once the affected party gains knowledge with regard to the fraudulent activities in executing any deeds or documents, certainly, he is entitled to file a criminal complaint on the aspect of alleged fabrication of records. This aspect was also upheld by the Apex Court in the case of ***Dharmadeo Rai Vs. Ramnagina Rai reported in (1972) 1 SCC 460.***

9. When such being the case, this Court directs the petitioner to file a criminal complaint before the concerned Police Authorities with regard to the alleged fabrication of documents on the part of the respondents 4 to 6. With regard



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to the cancellation of the sale deed, it is up to the petitioner to challenge those sale deeds before the Civil Court.

10. Accordingly, this Writ Petition is disposed of. No costs.

10.11.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking Order : Yes / No
arr/nsa

To

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KRISHNAN RAMASAMY, J.

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