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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

**THE HONOURABLE MR JUSTICE SENTHILKUMAR
RAMAMOORTHY**

WP No. 44843 of 2025

1. K.N.Raghul
275, Kulathu Thottam, Kandappa
Goundan Valasu, Murugathozhuvu,
Perundurai Taluk, Erode District-638
051

Petitioner(s)

Vs

1. The Inspector General Of
Registration
Office Of The Inspector General Of
Registration, No.100, Santhome
High Road, Chennai-600 028

2.The District Registrar
Erode District Registrar Office,
Erode District, Erode-638 009

3.The District Registrar
Coimbatore District Registrar
Office, Collector Office
Compound, State Bank Road,
Coimbatore -641 018

4.The Sub Registrar
Perundurai Sub Registrar Office,

1/8



7/86, Kasukkarampalayam,
Tingalur, Perundurai, Erode-638
055

5.The District Collector
Erode District Collector Office,
Perundurai Road, Erode -638011

6.R. Shivaswamy
S/o. Rangaswamy, Senjerimalai,
Kolathukaadu, Sultanpettai Post,
Sulur Vattam, Coimbatore-641 669

7.P. Sheelakumari
W/o. Periyannapillai, No.43/11,
Ganapathi Nagar Main Road,
Collector Office Post, Erode
-638011

8.PERIYANNAPILLAI
S/o. Muthupillai, No.43/11,
Ganapathi Nagar Main Road,
Collector Office Post, Erode-638
011

9.PADMINI
W/o. K.S. Thenarasu, No.63/126,
Chokayi Thottam,
Karungalpalayam, Erode -638 003

10.KALAIYARASAN
S/o. Ks. Thenarasu, No.63/126,
Chokayi Thottam,
Karungalpalayam, Erode-638 003

11.KALAIVANI
D/0. K.S. Thenarasu, No.63/126,
Chokayi Thottam,
Karungalpalayam, Erode-638 003



12.P. Kumaraswamy,
No.3, Palaniyappa Street,
Erode-638 009

13.S, Papathi
W/o. T.M. Shanmuga Sundaram,
No.102, Kumalan Kuttai, Erode
District-638 011

14.D. Rajathi
W/o. T.M. Duraiswamy, Indira
Nagar, Sengatu Thottam,
Melthindal, Erode-638 012

15.The Inspector Of Police,
Perundurai Police Station, Erode
District. (R15 Suo Motu Impleaded
Vide Order Dated 24.11.2025 Made
In WP.44843/2025 By KRJ)

Respondent(s)

WP No. 44843 of 2025

PRAYER: This writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus

(i)To directing the 2nd and 4th respondents herein to consider the representation dated 25.08.2025 made by the petitioner to conduct an enquiry and commence prosecution under Section 82 and 83 of the Registration Act, 1908 with regard to the forged partition Deed dated 26.04.1991 registered as Document No.614/1991;

(ii) to consequentially direct the 2nd and 4th Respondent to initiate the Criminal Prosecution Proceedings against the Respondents 7 who fabricated the forged Partition Deed and made subsequent fraudulent alienations to Respondents 8 to 15, who also purchased the same with the knowledge of forged Partition Deed on the file of the 4th Respondent Sub Registrar Office; and



(iii) to remove the relevant entries from the Encumbrance maintained by the 2nd and the 4th Respondent based on the Petitioners representation dated 25.08.2025 with the time frame as fixed by this Honble Court

WP No. 44843 of 2025

For Petitioner(s): M/s.Dr.M.Sathya Kumar
G. Malarvizhi
Sree Lakshmi Nambiar

For Respondent(s): Mr.U.Baranidharan, SGP for
R 1 to 5
Mr.S.Sugendran, APP for R15
(R15-*suo motu* impleaded vide
Court Order Date 24/11/2025)

ORDER

The petitioner asserts that his maternal grandfather, late Nallakumara Gounder, mysteriously disappeared in the year 1984 and was not seen thereafter. On the ground that a partition deed dated 26.04.1991 was registered as document No.614/1991 by and between the members of the family, including the petitioner's maternal grandfather, the petitioner submitted a representation dated 25.08.2025 to conduct an inquiry and commence prosecution under Sections 82 and 83 of the Registration Act, 1908. The present writ petition relates thereto.

2. Learned counsel for the petitioner submits that the authority vested in the registering authorities under Sections 82 and 83 is independent of the



power under Section 77A. Therefore, he contends that there is no bar for the conduct of inquiry as requested for by the petitioner.

3. In response, learned Special Government Pleader submits that the petitioner is complaining about a partition deed executed in the year 1991. He also points out that multiple conveyances have been executed in relation to the relevant properties thereafter. He submits that the registering officer does not have the power of cancellation and the scope of Sections 82 and 83 is limited. Learned counsel for the Inspector of Police submits that CSR has been registered upon receipt of a complaint from the petitioner.

4. The affidavit discloses that the petitioner is complaining about the partition deed registered on 26.04.1991 as document No.614/1991. At paragraph-8 of the affidavit, there is reference to several documents conveying the property to respondents 7 to 14 between 2001 and 2025. The petitioner has submitted a representation in August, 2025 and approached this Court thereafter. The affidavit does not contain any valid explanation for the inordinate delay in approaching the Court. Although limitation does not apply in proceedings before this Court, laches is a material consideration. By



taking into account the inordinate delay and the creation of rights in favour of multiple third parties over this period of time, I am not inclined to exercise equitable jurisdiction in favour of the petitioner. Therefore, the writ petition is dismissed. This order, will not, however, stand in the way of the registering officer or the police authorities initiating action under Sections 82 and 83 if deemed fit. No costs.

04.12.2025

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

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SENTHILKUMAR RAMAMOORTHY J.

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