



W.P. No.44242 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.11.2025**

CORAM:

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.44242 of 2025

Dr.Gowri

.. Petitioner

Vs.

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome High Road, Chennai-600028.
2. The District Registrar (Administration),
District Registrar Office,
Nandhanam, Chennai-600035.
3. The Sub Registrar,
Neelankarai Sub Registrar Office,
Neelankarai, Chennai-600 041.



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4. G.Sankar

5.S.Bhuvaneshwari

.. Respondents

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Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to conduct an enquiry under Section 82 and 83 of the registration act and to take action against the respondents 4 and 5 by considering the petitioner's representation dated 26/09/2025 within the time frame fixed by this Court.

For Petitioner : Mr.V.Sundarraman
For Respondents : Mr.Abishek Murthy
Government Advocate

ORDER

Mr.Abishek Murthy, learned Government Advocate takes notice on behalf of the respondents. With the consent of both sides, the Writ Petition itself is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed seeking for a direction to the



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respondents 1 to 3 to conduct an enquiry under Section 82 and 83 of the

Registration Act and to take action against the respondents 4 and 5 by considering the petitioner's representation dated 26/09/2025 within the time frame fixed by this Court.

3. The learned counsel appearing for the petitioner would submit that the petitioner purchased the subject properties from one Mr.S.Appasamy and Mr.A.Dharmaraj vide Sale Deed Nos.6426 and 6427 of 2017 dated 15.12.1995 respectively. While so, in the year 2014, with an intention to build a hospital, the petitioner executed a General Power of Attorney in favour of the 4th respondent. She also paid him a sum of Rs.2,22,77,812/- and 26 sovereigns of gold jewellery for the project. But the 4th respondent, in conspiracy with the 5th respondent, by using the forged signature and fake life certificates in her name, created several documents and thereafter executed the Sale Deeds in favour of his wife, the 5th respondent herein with



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respect to the subject properties. After coming to know about the fraudulent

and forged documents created by the 4th and 5th respondent herein, the petitioner have filed a complaint before the Chennai City Police Commissioner, Chennai Crime Branch on 08.04.2025 and the same was registered in Cr.No.63 of 2025. Under these circumstances, the petitioner made a representation before the respondents on 26.09.2025 to conduct enquiry and to take action against the respondents 4 and 5. As the same did not evoke any response, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

4. Learned Government Advocate appearing for the Respondents 1 to 3 would submit that according to the petitioner the respondents 4 and 5 have committed an offence of fraud on the petitioner. Further, he would submit that as per Section 83 of the Act, in the event any fraud said to have been committed by any party is brought to the knowledge of the 2nd respondent, in



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his official capacity, the said respondent can initiate the prosecution only after obtaining permission from his higher officials. But, at the same time, the aforesaid provision is not a bar for the petitioner to initiate criminal prosecution. Further, he would submit that when the petitioner has already filed criminal complaint against the respondents 4 and 5 and pursuant to which the 4th respondent was also arrested, the petitioner cannot insist respondents 1 to 3 to conduct further enquiry and to take action against the respondents 4 and 5 for the very same offence. He therefore prays for the dismissal of this Writ Petition.

5. Heard both sides. Perused the records.

6. It is the case of the petitioner that the respondents 4 and 5 have committed fraud on the petitioner by creating forged documents, for which the petitioner has lodged a complaint before the Chennai City Police



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Commissioner, Chennai Crime Branch on 08.04.2025 and the same was

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registered in Cr.No.63 of 2025 for the offence punishable under Sections 409, 420, 465, 468, 471, 34 and 120(b) of I.P.C. and subsequently the 4th respondent was also arrested on 09.04.2025. Thereafter, the petitioner submitted a representation to the respondents 1 to 3 on 26.09.2025, to conduct enquiry under Section 82 and 83 of the Act. In this context, it would be apposite to extract the aforesaid Sections, which reads as under:

“82.Penalty for making false statements, delivering false copies of translations, false personation and abetment- Whoever-

(a) intentionally makes any false statement, whether on oath or not, and whether it has been recorded or not, before any office acting in execution of this Act, in any proceeding or enquiry under this Act; or

(b) intentionally delivers to a registering officer, in any proceeding [under this Act or the rules made there under] a false copy or translation of a document, or a false copy of a map or plan; or

(c) falsely personates another, and in such



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assumed character presents any document, or makes any admission or statement, or causes any summons or commission to be issued, or does any other act in any preceding or enquiry under this Act; or

(d) abets anything made punishable by this Act; shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

82-A. Penalty-*Whoever acts as a tout whist is name is included in the list of touts and published under the Act shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to Rs.200/- or with both.*

83. Registering officer may commence prosecutions-*(1) A prosecution for any offence under this Act coming to the knowledge of a registering officer in his official capacity may be commenced by or with the permission of the Inspector General, the Registrar or the Sub-Registrar, in whose territories, district or sub-district as the case may be, the offence has been committed.*

(2) Offences punishable under this Act shall be triable by any Court of officer exercising powers not less than those of a Magistrate of the second class.”

7. A perusal of the aforesaid provisions, more particularly Section 83 of the Act, makes it clear that the Registering Authority, after coming to



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know of any offence said to have been committed by any of the parties, in

his official capacity can initiate criminal prosecution only obtaining permission from his higher officials. But the aforesaid provisions are not a bar for a private person from commencing criminal prosecution against the wrong doers. In the case on hand, the petitioner had already filed a criminal complaint against the respondents 4 and 5 and the same was registered as Cr.No.63 of 2025 and thereafter the 4th respondent was arrested on 09.04.2025. Subsequently the petitioner submitted a representation to the respondents 1 to 3 to conduct enquiry and take action against the respondents 4 and 5 under Sections 82 and 83 of the Act. Once a criminal complaint filed by the petitioner was registered and the 4th respondent was also arrested. the question of conducting further enquiry under Sections 82 and 83 will not come into picture. The petitioner cannot insist the official respondents to conduct enquiry, after initiating the criminal prosecution against the respondents 4 and 5.



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Writ Petition and the same is liable to be dismissed and accordingly
dismissed. No costs.

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To

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KRISHNAN RAMASAMY, J.,

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