



DATED: 03.12.2025

THE HONOURABLE Mr. JUSTICE KRISHNAN RAMASAMY

S.Rahmath Mariam

...Petitioner

VS.

1.The Inspector General of Registration,
Head Office of the Registration Department,
No.120, Santhome Highway,
Pattinapakkam,
Chennai - 28.

2.The District Registrar,
O/o.the District Registrar,
No.70, Avvaiyar Street,
Aranmanai,
Ramanathapuram District.

3.The Sub-Registrar,
O/o.the Sub-Registrar,
Keelakkarai,
Ramanathapuram District.

4.S.M.Ayshath Fatheema

5.S.M.A.Falila

6.S.M.A.Shakila

7.Sera Mudali Abubuckar Rahila

8. Zulaiha



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9.The Superintendent of Police,
O/o.The Superintendent of Police,
Ramanathapuram District.

10.The Inspector of Police,
Keelakkarai Police Station,
Ramanathapuram District.

...Respondents

(R9 and R10 are impleaded vide Court order dated 25.09.2025 in W.M.P. (MD)No.20810 of 2025 in W.P.(MD)No.25605 of 2025)

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.3898/Aa5/2025, dated 25.08.2025 on the file of the second respondent and quash the same as illegal and consequently direct the second respondent to conduct enquiry and take appropriate action as per Section 83 of the Registration Act, 1908, against the act of impersonation and execution of forged Partition Deed vide Document No. 3393 of 2023, dated 21.09.2023 made by respondents 5 to 8, registered before the third respondent Office pursuant to the unregistered forged hiba (gift deed) made by the fourth respondent within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.M.Lingadurai,
Special Government Pleader,
for R1 to R3
Mr.J.Barathan
for R4 to R8
Mr.A.Albert James,
Government Advocate (Crl. Side)
for R9 & R10



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ORDER

This Writ Petition has been filed challenging the impugned order of the second respondent in Na.Ka.No.3898/Aa5/2025, dated 25.08.2025 and to direct the second respondent to conduct enquiry and take appropriate action as per Section 83 of the Registration Act, 1908, against the act of impersonation and execution of forged Partition Deed vide Document No. 3393 of 2023, dated 21.09.2023 by respondents 5 to 8, pursuant to the unregistered forged hiba (gift deed) executed by the fourth respondent.

2. The learned counsel appearing for the petitioner would submit that an unregistered forged gift deed has been executed on 18.05.2017 in favour of the fourth respondent and in pursuance thereof, patta has been mutated fraudulently in the name of the fourth respondent's legal heirs. Subsequently, a forged partition deed was executed on 21.09.2023 by the respondents 5 to 8 / legal heirs of the fourth respondent, without any right in the subject properties. According to the learned counsel, the petitioner, aged about 83 years, is the rightful owner of the subject properties and the private respondents taking advantage of her age, executed the gift deed and partition deed by way of fabrication of documents. In this regard, the petitioner has given complaints to the respondents 1, 2 and 9. In pursuance thereof, the second respondent has passed the impugned rejection order. Hence, the



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present petition.

3. The learned Government Advocate (Criminal Side) appearing for the respondents 9 and 10, on instructions, would submit that the Police Authorities have already issued summons to the complainant to appear before them, however, the petitioner has not chosen to appear.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that since in the present case, already complaint has been given to the Police Authorities, the question of quashing the impugned order and once again directing the second respondent to conduct enquiry does not arise. Hence, prayed for dismissal of this Writ Petition.

5. I have given due consideration to the submissions made on either sides.

6. As contended by the learned Special Government Pleader, since a complaint has already been lodged before the Police, conducting of enquiry by the second respondent is not necessary. Even if the impugned order is quashed and an enquiry is conducted, ultimately, it would result in the



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second respondent lodging a complaint with the Police. Now such a course of action is not necessary, as the petitioner has herself lodged a complaint before the Police.

7. Now the grievance of the petitioner is that the Police Authorities have not acted upon her complaint. However, the fact remains that the Police Authorities have issued summons to the petitioner for appearance, but she has not co-operated for the same.

8. At this juncture, the learned counsel for the petitioner would submit that since the petitioner is aged about 83 years, she is not in a position to appear-in-person before the Authorities. Hence, she may be permitted to appear before the Police Authorities through her counsel.

9. Under such circumstances, this Writ Petition is disposed of with a direction to the petitioner to appear before the Police Authorities herself or through an authorised representative, either counsel or otherwise, along with documents in order to establish the forgery of the partition deed executed by the respondents 5 to 8, within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the concerned Police Authorities are directed to take appropriate legal action by registering First Information



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Report, if necessary. No costs. Consequently, connected Miscellaneous
Petition is closed.

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Speaking / Non-speaking order
Index : Yes/No
NCC : Yes/No

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KRISHNAN RAMASAMY, J.

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