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W.P.No.10495 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2026

CORAM :

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.10495 of 2026
and
W.M.P.No.11357 of 2026

P.S.Muralidharan

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore,
Chennai.

2.The District Registrar (Administration),
No.47/8, Venkatesan Street,
West Tambaram,
Chennai – 600 045.

3.The Sub Registrar,
Tambaram,
Chennai – 600 045.

4.S.Jayarani

5.P.Latha

6.A.K.Jabarullah Khan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, a) to direct the 2nd respondent to conduct an enquiry and launch criminal prosecution as against the respondents no.4 to 6 under Section 83 of the Registration Act 1908 by



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considering the petitioner's representation dated 04.07.2024, (c) to cancel the Bogus Release deed No.476/2010 dated 21.01.2010 on the office of the 3rd respondent execute by the 4th respondent in favour of 5th respondent and Bogus General Power of Attorney No.1156/2010 dated 24.05.2010 on the office of the 3rd respondent executed by the 5th respondent in favour of the 6th respondent by considering the petitioner's representation dated 04.07.2024, d) to remove the entries of the bogus Release deed No.476/2010 dated 21.01.2010 and Bogus General Power of Attorney No.1156/2010 dated 24.05.2010 in the Encumbrance Certificate in respect of the Subject property in Plot No.93 measuring to an extend of 2640 Sq.ft situated in S.F.Nos.4/1, 4/2, 4/3, and 4/4 of VGP Veerabadra Nagar, Vengaivasal Village, Tambaram Taluk, Chengalpattu District by considering the petitioner's representation dated 04.07.2024.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.U.Baranidharan

Special Government Pleader [R1 to R3]

Notice dispensed with [R4 to R6]

ORDER

This Writ Petition has been filed to direct the 2nd respondent to launch criminal prosecution as against the respondents 4 to 6 as per the provisions of Section 83 of the Registration Act, 1908 (in short 'the Act') based on the petitioner's representation dated 04.07.2024 and also to cancel certain registered documents morefully disclosed in the prayer to this writ petition and remove its entries in the encumbrance certificate.



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2. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice on behalf of the respondents 1 to 3. Since no adverse orders are passed against the respondents 4 to 6 in this writ petition, notice to the respondents 4 to 6 is dispensed with by this Court.

3. This Court has consistently held that the discretion to launch criminal prosecution as per the provision of Section 83 of the Act is vested exclusively with the Registration Department. A party cannot compel the Registration Department to launch criminal prosecution as against the alleged offenders who are said to have violated the provisions of Section 82 of the Act.

4. In the case on hand, the petitioner seeks for a direction upon the 2nd respondent to launch criminal prosecution as against the respondents 4 to 6 by exercising the powers u/s 83 of the Act. He also seeks cancellation of certain registered documents which are disclosed in the prayer to this writ petition. Despite the representation given by the petitioner, the 2nd respondent has chosen not to launch any criminal prosecution as against the respondents 4 to 6 by exercising its powers u/s



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83 of the Act. As observed earlier, the Registration Department cannot be compelled to launch criminal prosecution by the petitioner. If the 2nd respondent has decided not to launch any criminal prosecution as per the provisions of Section 83 of the Act, the only remedy available to the petitioner is to launch an independent criminal prosecution with the Police Department as against the alleged offenders.

5. For the foregoing reasons, this writ petition cannot be entertained by this Court as the petitioner does not have a statutory right to compel the 2nd respondent to launch criminal prosecution by exercising its powers u/s 83 of the Act. Therefore, this Writ Petition is disposed of by granting liberty to the petitioner to launch an independent criminal prosecution by giving a private complaint to the Police Department as against the alleged offenders, namely the respondents 4 to 6, who are said to have violated the provisions of Section 82 of the Act. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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ABDUL QUDDHOSE, J.

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