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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

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THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

Writ Petition No. 10499 of 2026

U. Srinivasa Perumal,
S/o. Late Ukkirapandiyam

..Petitioner

Vs

1. The Inspector General of Registration,
Office of The Inspector General of Registration,
Santhome, Chennai.
2. The District Registrar (Administration),
Thiruvannamalai Registration District,
Thiruvannamalai District.
3. The Sub-Registrar,
Sub-Registrar Office,
Chetpet, Thiruvannamalai District.
4. The Tahsildar,
Chetpet Taluk,
Thiruvannamalai District.
5. The Superintendent of Police,
Office of The Superintendent of Police,
Thiruvannamalai District.
6. Jayalakshmi
W/o. Pachaiyappan
7. Poosanam
W/o. Saminathan
8. Meenakshi
W/o. Audhimoolam



9. Karpagam
W/o. Audhimoolam

10. Mr. Ulaganathan,
H/o. Late Tmt. Ellammal

11. Thandavamoorthy
S/o. Late Ellammal

12. Dhatchayani,
D/o. Late Ellammal

13. Lokesh,
S/o. Late Ellammal

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent (The Inspector General of Registration) and second respondent (District Registrar) to conduct a detailed enquiry under Sections 81, 82, 83 and 68(2) of the Registration Act, 1908 against respondents 6 to 13 and erring officials for the fraudulent registration of the Partition Deed (Doc.No. 1249/2024 dated 28.03.2024), on the file of the Chetpet Sub Registrar Office and to prosecute the wrongdoers by considering the petitioner's representation dated 11.10.2025.

For Petitioner : Mr.H.Rambabu

For Respondents : Mr.U.Baranidharan,
Special Government Pleader
[R1 to R4]
Mr.V.Meganathan
Government Advocate [Crl.side] [R5]



ORDER

This writ petition has been filed to direct the first respondent to prosecute the erring officials and the respondents 6 to 13, who according to the petitioner, had obtained registration fraudulently.

2. The petitioner seeks for the above relief as per the provisions of Section 83 of the Registration Act, 1908. The petitioner had also given a representation to the first respondent on 11.10.2025 for the aforesaid purpose.

3. Mr.U.Baranidharan, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4. Mr.V.Meganathan, learned Government Advocate [Crl.side], accepts notice on behalf of the fifth respondent. Since no adverse order is being passed against respondents 6 to 13, notice to respondents 6 to 13 is dispensed with by this Court.

4. As per Section 82 read with Section 83 of the Registration Act, 1908, the discretion is vested with the registering officer to launch prosecution in case false statements/delivering false copies of translations/false personation/ abetment was made by any of the parties to the registered document. Being a discretion vested with the registering officer, the petitioner cannot compel the registering authority to launch prosecution as per the provisions of Section 82 read with Section 83 of the Registration Act, 1908 against respondents 6 to 13,



who according to the petitioner had committed violations, which falls within the purview of Section 82 read with Section 83 of the Registration Act, 1908.

Therefore, once a representation has been given by the petitioner on 11.10.2025 to the first respondent requesting them to launch prosecution against respondents 6 to 13 as per provisions of Section 82 read with Section 83 of the Registration Act, 1908, the petitioner cannot file a writ petition before this Court compelling respondents 1 and 2 to launch prosecution against respondents 6 to 13 independently.

5. Section 82 read with Section 83 of the Registration Act, 1908 does not stipulate that once a representation is given by any party directing the registering authority to launch prosecution, necessarily, the registering authority will have to launch prosecution against the alleged erring authorities as per the provisions of Section 82 read with Section 83 of the Registration Act, 1908. Being a discretion vested with the registering officer, the question of directing respondents 1 and 2 to further proceed with the petitioner's representation dated 11.10.2025, which is the subject matter of this writ petition does not arise. If respondents 1 and 2 have not launched prosecution under Section 82 read with Section 83 of the Registration Act, 1908, the only remedy available to the petitioner is to set the criminal law in motion by lodging a criminal complaint against respondents 6 to 13 for the alleged violations committed under Section 82 of the Registration Act, 1908.5



6. For the foregoing reasons, this Court finds that this writ petition cannot be entertained by this Court. Accordingly, this writ petition is disposed of by granting liberty to the petitioner to set the criminal law in motion, if so advised, by lodging a criminal complaint independently before the concerned police against respondents 6 to 13 in case respondents 6 to 13 have committed violations of Section 82 of the Registration Act, 1908. No costs.

18-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

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Thiruvannamalai District.
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ABDUL QUDDHOSE, J.

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