



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 17003 of 2026

G.Vairam
W/o Govindaraj,
Door no 6/37, Senguttai,
Elavampatti Village,
Omalur Taluk, Salem District

..Petitioner(s)

Vs

1. The Inspector General of Registration
Santhome High Road,
Chennai 600 028
2. The District Registrar
Salem West District,
Salem
3. The Sub Registrar
Tharamangalam Sub Registrar office,
Salem
4. Ramasamy
S/o Late Kunju @ Vairagounder,
Selvadai Village,
omalur Taluk, Salem District
5. P. Krishnamoorthy
S/o panchami Gounder,
Ramireddipatty Village,
Omalur Taluk, Salem District
6. Murugan
S/o Panchami Gounder,
Residing at
Nathapatti Kattuvalavu,
Ramireddipatty Village,
Omalur Taluk, Salem District



7. Chandramohan
S/o pachami Gounder,
Residing at
Nathapatti Kattuvalavu,
Ramireddipatty Village,
Omalur Taluk, Salem District

8. Ganesan
S/o Panchami Gounder,
Residing at
Nathapatti Kattuvalavu,
Ramireddipatty Village,
Omalur Taluk, Salem District

9. Kirshnan
S/o Ammasi Gounder,
Residing at
Nathapatti Kattuvalavu,
Ramireddipatty Village,
Omalur Taluk, Salem District

10. Raju
S/o Late Chinnathambi Gounder,
Residing at
Nathapatti Kattuvalavu,
Ramireddipatty Village,
Omalur Taluk, Salem District

..Respondent(s)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to dispose the petitioners representation dated 27.04.2022 and 07.06.2022 as per section 68 (2), 82 and 83 of the Registration act 1908 and consequentially issue direction directing the respondents to make necessary entries in Encumbrance Register .

For Petitioner(s):

For Respondent(s):

Mr.R.Marudhachalamurthy

Mr.Dominic S.David, Govt's counsel
for R1 to 3

**ORDER**

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This writ petition has been filed to direct the respondents to consider the petitioner's representations dated 27.04.2022 & 07.06.2022.

2. Mr.Dominic S.David, learned Government's counsel, takes notice on behalf of the respondents 1 to 3.

3. By consent of the parties, the main petition is taken up for disposal in the stage of admission itself.

4. The learned counsel for the petitioner would submit that in this case, the petitioner's father had passed away as early as on 06.01.2007. Subsequent to the demise of his father, the 4th respondent, who is none other than the brother of the petitioner, had impersonated as petitioner's father and sold the subject property to the 5th respondent vide sale deed dated 12.08.2008. Now only the said aspect came to the knowledge of the petitioner. Hence, he had immediately filed a complaint in the form of representations dated 27.04.2022 & 07.06.2022 before the respondents 1 to 3, requesting them to initiate prosecution against the respondents 4 & 5 under Section 68(2), 82 & 83 of the Registration Act.



5. Further, he requests this Court to direct the respondents to make necessary entries in the Encumbrance Register in terms of the provisions of Rule 118 of the Registration Rules.

6. Per contra, the learned Government's counsel for the official respondents would submit that in this case, the offence said to have been occurred in the year 2008. The petitioner came to know with regard to the said offence belatedly and immediately filed the representations dated 27.04.2022 & 07.06.2022 before the respondents to take action in terms of Section 68(2), 82 and 83 of the Registration Act.

7. As far as the request with regard to initiating the proceedings in terms of Section 68(2) is concerned, he would submit that the validity of Sections 77A and 68(2) of the Registration Act, 1908, was struck down by the Hon'ble Division Bench of this Court vide order dated 02.08.2024 in W.P.No.10291 of 2022. In such case, the said request cannot be entertained by the official respondents.

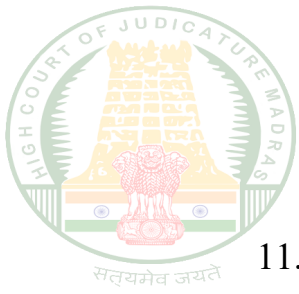
8. As far as the provisions of Section 82 & 83 is concerned, he would submit that if the fraud committed by the offenders, while executing any document, came to the knowledge of the Revenue Authorities at the time of registration, certainly, the said Authorities will conduct enquiry and file a



complaint against the offenders in terms of Section 82 & 83 of the Registration Act. However, in this case, the Revenue Authorities had no knowledge with regard to the offences at the time of registration, i.e., in the year 2008. Even the petitioner came to know about the said offense belatedly. Under these circumstances, the petitioner can very well file a criminal complaint to initiate proceedings against the offenders in terms of Section 82 & 83 of the Registration Act. In this regard, he referred to the order rendered by the Hon'ble Apex Court in *Dharmarao Rai vs. Ramnagina Rai* reported in (1972) 1 SCC 460.

9. As far as Rule 118 is concerned, he would fairly submit that in terms of the said Rule, if a registered document is declared by a Court to be a forgery or to have been registered under admission made by a person who falsely impersonated as the executants, necessary notes will be made at the foot of the entry in the register. However, the said aspect would arise only if the said registration is declared as forged one by any Court of law. In the absence of such declaration, no entries can be made in terms of the said Rule 118. Hence, he requests this Court to pass appropriate orders.

10. I have given due consideration to the submissions made by the learned counsel for the petitioner and the respondents and also perused the entire materials available on record.



11. In the case on hand, the petitioner's father had passed away as early as on 06.01.2007. Subsequent to the demise of his father, the 4th respondent, who is none other than the brother of the petitioner, had impersonated as petitioner's father and sold the subject property to the 5th respondent vide sale deed dated 12.08.2008. Now only, the said aspect came to the knowledge of the petitioner. Hence, he had immediately filed a complaint in the form of representation before the respondents 1 to 3, requesting them to conduct enquiry and initiate prosecution against the respondents 4 & 5 under Section 68(2), 82 & 83 of the Registration Act. Further, a request was made for a direction to the respondents to make necessary entries in the Encumbrance Register.

12. As rightly contended by the official respondents, the validity of Sections 77A and 68(2) of the Registration Act, 1908, was struck down by the Hon'ble Division Bench of this Court vide order dated 02.08.2024 in W.P.No.10291 of 2022. In such case, the Revenue Authorities cannot entertain the petitioner's request for cancellation of sale deed in terms of Section 68(2) of the Registration Act.

13. Further, as far as the jurisdiction of the Revenue officials to conduct enquiry in terms of Section 82 & 83 is concerned, the same will apply to the cases, where the concerned affected parties have no knowledge with regard to



the offense/fraudulent act involved in executing the deed/documents. However, in this case, the offense, committed by the 4th & 5th respondents in executing the sale deed dated 12.08.2008, came to the knowledge of the affected party, who is none other than the petitioner. In such case, the petitioner can very well file a criminal complaint against the offenders in terms of Section 82 & 83 of the Registration Act.

14. In very many cases, this Court had already held with regard to the above aspect by stating that there is no necessity for the affected persons to file a representation before the Registering Authorities, instead of the same, they can very well file a criminal complaint against the offenders in terms of Section 82 & 83 of the Registration Act. The said aspect was also held by the Hon'ble Apex Court in ***Dharmarao Rai vs. Ramnagina Rai*** reported in (1972) 1 SCC 460. The relevant portion of the order reads as follows:

“7. One would have expected a more apt phraseology if the purpose of the Legislature was to prohibit the prosecution of an offence under the Act by a private individual. Seeing that a private person will be more seriously injured by the action of an offender, who not only forges a document but endeavours to give it a higher efficacy by registering it, we can perceive no reason why the private person should be denied the liberty to prosecute the offender....”



15. A reading of the above paragraph makes it clear that the petitioner can very well file a complaint against the offenders for executing the sale deed dated 12.08.2008.

16. Further, a request was made by the petitioner to direct the official respondents to make necessary entries in the Encumbrance Register in terms of the provisions of Rule 118 of the Registration Rules. At this juncture, it would be apposite to extract the said Rule, which reads as follows:

“118. If a registered document is declared by a Court to be a forgery or to have been registered under admission made by a person who falsely personated the executants a note calling attention to the fact shall be entered at the foot of the entry in the register and when practicable on the document.”

17. A perusal of the above provision makes it clear as a cloudless sky that if a document/deed is declared by any Court of law as forged one or presented by a person, who falsely impersonated as the executants, the revenue officials has to make necessary entries with regard to the same in the foot note of the Register. However, in this case, no such declaration was made by any Court of law and hence, the said provision will not apply for the present case.

18. For all the reasons stated above, this Court is not inclined to entertain the present petition. However, the petitioner is granted liberty to file a criminal



complaint against the offenders in terms of Section 82 & 83 of the Registration Act within a period of 3 months from the date of receipt of a copy of this order.

If the sale deed is declared as forged one before any Court of law, thereafter, necessary entries shall be made by concerned Authority in terms of Rule 118 of the Registration Rules.

19. With the above directions, this writ petition is disposed of. No cost.

03-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

nsa

To

1. The Inspector General of Registration
Santhome High Road,
Chennai 600 028
2. The District Registrar
Salem West District,
Salem
3. The Sub Registrar
Tharamangalam Sub Registrar office,
Salem



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KRISHNAN RAMASAMY J.

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