



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-06-2026

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**THE HON'BLE DR JUSTICE G. JAYACHANDRAN
AND
THE HON'BLE MRS.JUSTICE N. MALA**

Writ Appeal No. 1167 of 2026

P.S.Muralidharan

..Appellant

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 Appeal is filed under Clause 15 of the Letters Patent, to set aside the order passed in WP No.10495 of 2026 dated 23.03.2026 by allowing the present Writ Appeal.

For Appellant:

Mr.C.Ramaraj



For Respondents:

Mr.Dominic S.David

Government Advocate for R1 to R3

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JUDGMENT

(Judgment of the Court was delivered by Dr.G.Jayachandran J.)

The appellant herein makes very grave allegations regarding the transfer of property, which he claims to be his ancestral property. He further submits that the Inspector General of Registration has launched criminal prosecution against respondents 4 to 6 for perpetrating fraud.

2. The learned Single Judge considered the prayer and passed the following 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.

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.



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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 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*



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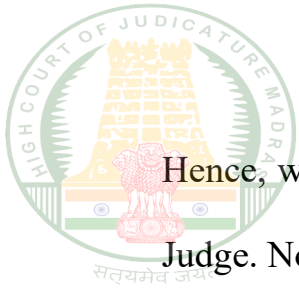


criminal prosecution by exercising its powers u/s 83 of the Act. Therefore, this Writ Petition is disposed of by granting liberty to the petitioner to launch an independent criminal prosecution by giving a private complaint to the Police Department as against the alleged offenders, namely the respondents 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.”

3. The learned counsel appearing for the appellant contends that the Inspector General of Registration has a statutory duty to launch criminal prosecution in respect of the alleged fraudulent transfer of property.

4. On reading of Section 83 of the Registration Act, we do not find any statutory mandate cast on the Inspector General of Registration to launch criminal prosecution when dispute regarding ownership and the transfer of property are raised. It is the person who is affected who has to take appropriate action as deemed fit. A statutory authority cannot be forced to get involved in a criminal prosecution when the facts are disputed and yet to be proved by the person concerned.

5. In this case, the burden is on the appellant to prove title and establish the alleged fraudulent transfer. Instead of setting the law into motion himself, he wants to utilize Government machinery, which is not permissible.



Hence, we dismiss the Writ Appeal and confirm the order of the learned Single Judge. No costs.

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(G.J.,J.) (N.M.,J.)
02-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

rpl

To

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and
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