



WEB COPY

WP No. 24053 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 24053 of 2024

Shanthi

..Petitioner(s)

Vs.,

1. The District Registrar,
Office of District Registrar, RTO Backside,
Nallipalayam,
Namakkal District.
2. The Tahsildar,
Paramathi Velur, Namakkal District.
3. The Sub Registrar
Mohanur, Namakkal District.
4. Subramaniam
5. S.Naresh
6. Balasubramaniam
7. N.Baskar

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the Respondents 1 and 3 herein to initiate enquiry against the 4th and 5th Respondents herein under Section 81, 82 and 83 of the Registration Act, 1908 for furnishing fraudulent documents to register the partition deed entered between 4th and 5th Respondents dated 22.01.2018, registered on the file of the 3rd Respondent vide Doc.No.137 of 2018, by Considering the petitioner's representation dated 18.06.2024 and if found the legal heirship certificate dated 21.01.2016, enclosed along with the



partition deed dated 22.01.2018 as fake, thereby further directing the Respondents 1 and 3 to initiate prosecution against the Respondents 4 and 5.

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For Petitioner(s): Mr.K.M.Arun

For Respondent(s): Mr.P.Harish, GA for R1 to 3
Mr.K.Sasindran for R5
R4-N/R/N
No appearance for R6 & 7

ORDER

This writ petition is filed to direct the respondents 1 and 3 herein to initiate enquiry against the respondents 4 & 5 herein under Section 81, 82 and 83 of the Registration Act, 1908 for furnishing fraudulent documents to register the partition deed entered between respondents 4 & 5 dated 22.01.2018, registered on the file of the third Respondent vide Doc.No.137 of 2018, by Considering the petitioner's representation dated 18.06.2024 and if found the legal heirship certificate dated 21.01.2016, enclosed along with the partition deed dated 22.01.2018 as fake, thereby further directing the respondents 1 and 3 to initiate prosecution against the respondents 4 and 5.

2. Learned counsel for the petitioner would submit that the property comprised in S.Nos.155/1A and 159/2, Peramandampalayam Village are ancestral properties of petitioner's father viz., late Palaniswamy, who died intestate leaving behind Nallammal, the fourth respondent, Selvam and the



petitioner as his legal heirs, for which, the legal heir certificate was also issued by the second respondent on 21.01.2016. This being so, after the demise of petitioner's mother viz., Nallammal, by suppressing the fact that the petitioner and one Mrs.Selvam (petitioner's sister) are also entitled for share in the aforesaid property, the fourth respondent entered into a partition deed with the fifth respondent, who is none other than his son, by producing a fake legal heir certificate, excluding the name of the petitioner and her sister Selvam. The said partition deed dated 22.01.2018 was also registered as Doc.No.137 of 2018 on the file of the third respondent.

3. Learned counsel for the petitioner would further submit that, subsequent to the partition deed, the fifth respondent has entered into multiple sale agreements with respondents 6 and 7 to deprive the petitioner and her sister Selvam from claiming their share in the above said properties. Therefore, the petitioner has sent a representation dated 18.06.2024 to the respondents 1 and 3 to verify the genuineness of legal heir certificate enclosed along with the partition deed with the legal heir certificate issued by the second respondent and to initiate action against the respondents 4 & 5, under Sections 81, 82 and 83 of the Registration Act, 1908 and to cancel the partition deed and further sale agreements executed by the fifth respondent in favour of respondents 6 and 7. However, the same was not considered, as on date. Hence, this writ petition.



4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. It is seen that the issue involved in this case is civil in nature, the right course available to the petitioner is to file a partition suit before the Civil Court. Even upon conducting an inquiry, the official respondents lack the jurisdiction to order the cancellation of a partition deed; such relief may only be granted once the petitioner successfully establishes her title and rights over the subject property through judicial proceedings.

6. Accordingly, this Writ Petition stands dismissed, with liberty granted to the petitioner to file a partition suit before the competent Civil Court in the manner known to law. As it has come to the knowledge of the petitioner that the legal heir certificate produced by the fourth respondent is allegedly fraudulent, the petitioner is at liberty to prefer a criminal complaint before the jurisdictional police. If such a complaint is preferred, the jurisdictional police is directed to take appropriate action in accordance with law. No costs.

07-04-2026

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

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KRISHNAN RAMASAMY, J.

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