



WEB COPY

W.P(MD)No.5963 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.03.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**W.P(MD)No.5963 of 2026
and
W.M.P(MD)No.4987 of 2026**

P.Chinnathambi

... Petitioner

Vs.

1.The District Registrar(Administration)
O/o.The District Registrar,
Pudukkottai District,
Pudukkottai.

2.The Sub Registrar,
O/o.The Sub Registrar,
Viralimalai,
Pudukkottai District.

3.P.Muthusamy
4.M.Vasantha

...Respondents

Writ Petitions are filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders vide Na.Ka.No.365/A2/2026, dated 02.02.2026 passed by the first respondent and the subsequent impugned order vide Na.Ka.No.26/2026 dated 03.02.2026 passed by the second respondent and quash the same as illegal and consequently directing the 1st and 2nd respondents to initiate prosecution as against the 3rd and 4th



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respondents as per Section 83 of Registration Act, 1908 based on the petitioner's representation dated 26.01.2026.

For Petitioner :Mr.S.Sankar

For R1 & R2 :Mr.K.Malathi
Additional Government Pleader

ORDER

This writ petition is filed challenging the impugned orders dated 02.02.2026 and 03.02.2026 passed by the 1st and 2nd respondents and to quash the same and consequently direct the 1st and 2nd respondents to initiate prosecution as against the 3rd and 4th respondent, as per Section 83 of the Registration Act, 1998, based on the representation of the petitioner dated 26.01.2026.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that when the petitioner and the other siblings have also got a right over the property, one of the brother alone falsely proclaiming that he is the sole owner of the property has alienated and dealt with the properties. When the petitioner made a representation, the authorities have now rejected the same by way of the impugned order holding that by virtue of the order of the larger Bench of this Court declaring section 77-A of the Act, as unconstitutional, no longer the enquiry with reference to fraudulent documents can be conducted.



3.The learned counsel for the petitioner would submit that he is not on the said ground but however, the authorities can also verify as per Section 83 of the Registration Act, as to the correctness and also as to the veracity of the executant and the prima facie correctness of the averments made in the document and therefore, he would submit that in that view of the matter, an inquiry be conducted and if it is proved to be a false claim by the said brother, let a criminal complaint be filed in that regard.

4.The learned Government Advocate taking notice on behalf of the respondents would resist the writ petition.

5.I have considered the rival submissions made and perused the material records of the case.

6.If it is the contention of the petitioner that her brother had fraudulently alienated her property. Certainly if criminal offenses are made out and she can lodge a complaint. She is very much entitled to move the appropriate civil Court for annulling the document and asserting her title. Both the said liberties of the petitioner to approach the police authorities for filing criminal complaint and also to approach the civil Court with reference



to her title and with reference to the document are kept open. In the meanwhile, when one of the family members assert a wrongful title and execute the document, I am of the view that since the inquiry as per Section 77-A of the Act, is no longer available, I am of the view that this is not a case which would fall strictly under Section 83 of the Registration Act, for the respondents to enquire.

7.In view thereof, keeping open the liberty of the petitioner to approach the Civil Court and also to lodge a police complaint, this writ petition stands disposed of. It is made clear that this Court is not expressed any opinion on the merits or otherwise of the claim made by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

05.03.2026

NCC:Yes/No
Ns



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To

- 1.The District Registrar(Administration)
O/o.The District Registrar,
Pudukkottai District,
Pudukkottai.
- 2.The Sub Registrar,
O/o.The Sub Registrar,
Viralimalai,
Pudukkottai District.



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D.BHARATHA CHAKRAVARTHY, J.

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