



W.P.(MD)No.10100 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2026

CORAM :

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.10100 of 2026

P.Prabakaran

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai.

2.The Deputy Inspector General of Registration,
Registration Department,
Thirumohur Road,
Othakadai, Madurai.

3.The District Registrar (Administration),
Registration Department,
TNAU Nagar, Rajakambeeram,
Y.Othakadai, Madurai District.

4.The Sub Registrar,
Checkanurani,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the third respondent to make an entry of Document No:1025/2022 as a fraudulent Document in EC for Survey Numbers 129/2, 129/5, 129/9 take action against the Sub-Registrar, Checkanurani, for registering the fraudulent document knowingly by considering the petitioner's representation dated on 24.03.2026



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For Petitioner : Mrs.B.Bhuvaneshvari
for M/s.Ganesan Legist Law Firm

For Respondents : Mr.F.Deepak
Special Government Pleader

ORDER

The Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the third respondent to make an entry in respect of Document No.1025 of 2022 as a fraudulent document in the Encumbrance Certificate relating to S.Nos.129/2, 129/5 and 129/9, and to initiate action against the Sub-Registrar, Checkanurani, Madurai District, for having registered the said document, by considering the petitioner's representation dated 24.03.2026.

2. Upon hearing the learned counsel for the petitioner, it is the case of the petitioner that he is the owner of the subject property. It is stated that when the patta was wrongfully transferred in the name of one Rasuthevar, an alienation came to be made under the aforesaid document. Subsequently, an enquiry was conducted by the revenue authorities, and the said patta was cancelled and restored in favour of the original owners of the property. Therefore, it is contended that, *ex facie*, the said person had no right or title to execute the document in question and that an entry should be made treating the same as a fraudulent document.



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3. The learned counsel for the petitioner placed reliance on Section 83 of the Registration Act, 1908, contending that the registering authority is empowered to conduct an enquiry and initiate prosecution in cases where false representations are made at the time of registration.

4. The learned counsel also relied upon the order of this Court in **S.R.M. Packiri Rajan vs. Inspector General of Registration and others**¹.

5. I have also heard the learned Special Government Pleader appearing for the respondents.

6. It is true that in **S.R.M.Packiri Rajan's case** (cited supra), considering the extraordinary facts, this Court declared a particular document as fraudulent in nature. However, that order was passed at a time when Section 77-A of the Registration Act was in force.

7. Subsequently, by virtue of the judgment of the Hon'ble Division Bench of this Court in **M.Kathirvel vs. The Inspector General of Registration**², Section 77-A of the Registration Act has been declared unconstitutional.

¹ W.P.(MD) No.10177 of 2021, dated 17.06.2021

² (2024) SCC OnLine Mad 6154 : (2024) 4 LW 110 : (2024) 4 CTC 769



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8. In view of the above, there is presently no statutory provision enabling the registering authority to declare a document as fraudulent. Further, this is not a case of impersonation. Assuming for a moment that the case of the petitioner is correct, it is well settled that patta does not confer title. Even assuming that the patta was wrongfully obtained and an alienation was made based on such patta, the same would not, by itself, confer valid title.

9. As held by the Hon'ble Supreme Court in **K.Gopi vs. The Sub-Registrar and others**³, registration of a document does not by itself create or extinguish title. In such circumstances, two courses are open to the petitioner: either to ignore the said document and deal with the property based on his title, or to approach the competent Civil Court to clear any cloud over the title.

10. In the light of the above, the relief sought by the petitioner cannot be granted. Accordingly, this Writ Petition stands disposed of, leaving open the aforesaid remedies to the petitioner. No costs.

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3 (2026) 2 SCC 696

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D.BHARATHA CHAKRAVARTHY, J.

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