



W.P(MD)No.36755 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.01.2026

CORAM :

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.36755 of 2025

V.Kamala

... Petitioner

vs.

1. The District Registrar,
District Registrar Office,
Sivagangai Registration District.
Sivagangai.

2. The Sub Registrar,
Manamadurai Sub Registrar Office,
Manamadurai-630 606,
Sivagangai District.

3. K.Kunjaram

4. K.Gugan

5. S.Chandhiramaran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to initiate criminal proceedings under Sections 82 and 83 of Indian Registration Act, 1908 against the 3rd to 5th respondents for the fraudulent sale deed executed vide Document No.2339 of 2025 dated 11.09.2025 on the file of the 2nd respondent by fixing a time limit based on the petitioner's representation dated 25.08.2025.



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For Petitioners : Mr.D.Gurusamy
For R1 & R2 : Mr.M.Lingadurai
Special Government Pleader

ORDER

The prayer in this writ petition is to issue a Writ of Mandamus, directing the 1st and 2nd respondents to initiate criminal proceedings under Sections 82 and 83 of Indian Registration Act, 1908 against the 3rd to 5th respondents for the fraudulent sale deed executed vide Document No.2339 of 2025 dated 11.09.2025 on the file of the 2nd respondent by fixing a time limit based on the petitioner's representation dated 25.08.2025.

2. Learned counsel for the petitioner would submit that the properties comprised in Survey Nos.12/9 and 7/2B measuring an extent of 0.47.00 and 0.19.50 hectares respectively, are ancestral properties of the petitioner's husband. The petitioner and 20 other persons including the respondents 3 and 4 are in joint possession and enjoyment of the said properties. While some of the legal heirs sought for family partition, the respondents 3 and 4 denied for the same.



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Learned counsel would further submit that in the year 2022, the respondents 3 and 4 had fraudulently obtained patta for the said joint family properties in their names. Pursuant to the same, the petitioner and other legal heirs made objection to the respondents 1 and 2 not to register any sale deed in respect of those joint family properties and based on which, the 2nd respondent recorded objections in the guideline register and informed the same to the 1st respondent vide communication dated 26.10.2022. Even thereafter since the respondents 3 and 4 were trying to alienate those joint family properties to third parties, the petitioner and 9 other legal heirs filed a partition suit in O.S.No.14 of 2023 before the Sub Court, Manamadurai. Pending suit, the respondents 3 and 4 sold the above said properties to the 5th respondent who is the son-in-law of the 3rd respondent vide Document No.2339 dated 11.06.2025. Hence, the petitioner made a representation dated 25.08.2025 to the respondents 1 and 2 to initiate appropriate criminal proceedings against the respondents 3 to 5 under Sections 82 and 83 of the Indian Registration Act 1908, but the same is not yet disposed of. Hence, this writ petition.



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3. Learned Special Government Pleader appearing for the respondents 1 and 2 would submit that since the petitioner had knowledge about the commission of offence, it is for the petitioner to file a criminal complaint to the police. Merely because the police is not accepting the petitioner's complaint, she cannot ask for the Sub Registrar to conduct an enquiry that will ultimately be a vexatious exercise. Even if the police refused to receive the petitioner's complaint, she can work out her remedy before the learned Jurisdictional Magistrate. Thus, he would pray for dismissal of the writ petition.

4. Heard both sides and perused the materials available on record.

5. As rightly contended by the learned Special Government Pleader appearing for the official respondents, since the commission of offence on the part of the respondents 3 to 5 had come to the knowledge of the petitioner, the petitioner ought to have preferred a complaint to the police to initiate criminal action for the execution of the



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fraudulent sale deed, whereas the petitioner has sought to initiate criminal proceedings through the registering authorities which is not proper. Therefore, the petitioner is directed to file a complaint before the Deputy Superintendent of Police, Manamadurai, forthwith. On receipt of such complaint from the petitioner, the Deputy Superintendent of Police, Manamadurai, is directed to conduct an enquiry and register an FIR and thereafter prosecute the accused in accordance with law.

6. At this juncture, learned counsel for the petitioner expressed an apprehension that the respondents 3 to 5 intend to make further alienation of the joint family properties, in which case, the petitioner can approach the competent civil court namely, Sub Court, Manamadurai, where the partition suit is pending and obtain appropriate interim orders.

7. With the above direction, the Writ Petition is disposed of. No costs.



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Index : Yes / No

Neutral Citation : Yes / No

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KRISHNAN RAMASAMY, J.

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