



W.A.(MD)No.1112 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **08.04.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.A.(MD)No.1112 of 2025

Nalini

...Appellant

Vs.

- 1.Sree Sooravali Subbier Charities,
By its hereditary Trustee,
M.S.Sanakaran @ M.S.Snakar,
S/o.Subramania Iyer,
No.1-13, Shanthi Sadan,
Melkkal Main Road, Kochadai,
Madurai-625 016.
- 2.The Inspector General of Registration,
No.100, Santhome High Road,
Fore Shore Estate,
Chennai-600 028.
- 3.The District Registrar,
Registration Department,
Madurai.
- 4.The Sub Registrar,
Thallakulam,
Sub Registrar Office,
Registration Department,
Madurai.



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5.The Revenue Divisional Officer/
Special Deputy Collector, (Revenue Court),
No.1, Kamarajar 1st street,
Chokkikulam, Madurai-2.

6.The Tahsildar,
Under Record of Tenancy Act,
Madurai North, Madurai Taluk Office,
Collectorate Complex,
Madurai.

7.A.Sheela

...Respondents

PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to
set aside the order passed by this Court in W.P.(MD)No.27604 of 2023
dated 31.07.2024.

For Appellants	: Mr.B.Saravnanan Senior Counsel Mr.J.Jayakumar
For Respondents	: Ms.Hema Sampath (R1) for Mr.N.C.Ashok Kumar Mr.F.Deepak (R2 to R6) Special Government Pleader

ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the order passed in W.P.(MD)No.27604 of 2023,
in an by which the registration of a document registered on 20.02.2013
has been cancelled, the present writ appeal is filed.



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2.The writ petitioner is a trust having a land to an extent of 1.22 acres. Though the said land is claimed to be an agricultural land, for the past 3 ½ decades, no cultivation whatsoever has been taken in the said land. Originally one Regina Jeyapal was recorded as a cultivating tenant vide order dated 14.09.1988. This was questioned by one Abraham. Later the said record has been set aside by the fourth respondent. Questioning the same, W.P.(MD)No.1849 of 2010 came to be filed and the same was dismissed. Challenging the same, W.A. (MD)No.1648 of 2016 has been filed. In the meanwhile, the writ petitioner claiming to be legal heirs of one Abraham executed a deed of assignment dated 20.02.2013 in favour of one M.Thangaraj making over the right to cultivating tenancy.

3.According to the writ petitioner, the registration has been done behind their back. Hence, the same was sought to be quashed in the writ petition. The said writ petition was contested by the appellant herein on the ground that the writ petition is hit by laches and there is prohibition in law against the registration of what is known as 'made over document'.



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4.The learned Single Judge having considered the facts and circumstances of the case and various provisions of the law has quashed the registration. Challenging the same, the present writ appeal has been filed.

5.The learned counsel for the appellant submitted that once the document has been registered under the provisions of the Registration Act, the said document cannot be questioned. In order to substantiate his submission, he has relied upon the judgment in ***Samiullah vs. The State of Bihar and others [Civil appeal Nos..... of 2025 dated 07.11.2025]***, wherein the Hon'ble Supreme Court has held that *Registration Act institutionalizes the process of registering documents to create a public record of immovable property transactions. The Registration Act mandates registration of documents not the title and this distinction is the fundamental character of our country's presumptive titling system through registration. Thus registration of a document recording purchaser of immovable property does not confer guaranteed title of ownership, instead it only serves as a public record of the transaction having presumptive evidentiary value, but it is never a conclusive proof of ownership.*



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6.We are bound by the proposition held by the Hon'ble Supreme Court. Absolutely, there is no dispute with regard the said position. The fact remains that in the case on hand, what was sought to be quashed is the document registered in the year 2013. In normal course, once the document is registered, the same cannot be quashed under Article 226 of the Constitution of India.

7.The appellant seeks to establish his right as cultivating tenant. on the basis of the assignment said to have been made by the sixth respondent/writ petitioner, who claims to be the legal heirs of the original cultivating tenant. It is relevant to note that under Section 2(aa) of the Tamil Nadu Cultivating Tenants Protection Act, 1955, the cultivating tenant is classified as follows:

“2.....

(aa) -Cultivating tenant-

(i) means of person who contributes his own physical labour or that of any member of his family in the cultivation of any land belonging to another; under a tenancy agreement, express or implied;”



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8. Therefore, to become a cultivator, a primary requirement is that he has to contribute his physical labour in the cultivating land. The sixth respondent claiming to be the legal heirs of original cultivating tenant, namely Abraham, has simply transferred his right by way of made over document.

9. In our view, such right cannot be transferred for consideration. To become a cultivating tenant, one must have shown that he is continuously cultivating the land by his own physical labour. The concept of physical labour is totally absent in this matter. Therefore, once the person is not qualified as cultivating tenant as a matter of right, he cannot transfer such cultivating right to anyone. Now, the writ petitioner on the basis of the said document is trying to establish his right over the subject property.

10. It is also stated that the property is not cultivated for the past 3 decades and it is situated in the heart of Madurai City just opposite to Mattuthavani. This aspect has been ascertained during the submissions made by either side. When this fact has been put to the learned counsel for the appellant, he could not bring any contra materials.



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11.In such view of the matter, we are of the view that though registration cannot be cancelled in a writ petition under Article 226 of the Constitution of India, taking note of the peculiar facts and circumstances of the case and as the rights are sought to be established based on the non-enforceable document, we are of the view that no interference is required in the order of the learned Single Judge.

12.Accordingly, this writ appeal is dismissed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
08.04.2026

Index :Yes/No
Internet :Yes
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To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Fore Shore Estate, Chennai-600 028.

2.The District Registrar,
Registration Department,
Madurai.

3.The Sub Registrar,

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