IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2018

CORAM

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

Review Application Nos. 9, 10 and 11 of 2018

1. The Sub-Registrar,
   Hosur, Krishnagiri Taluk,
   Krishnagiri District.

2. The Special Deputy Collector (Stamps)
   Salem.

3. The Chief Controlling Revenue Authority,
   Inspector General of Registration,
   100, Santhome High Road.
   Chennai 600 028. ... Review Petitioners

in all the applications

vs.

Thara Devi ...Respondent in Rev Appl. No.9/2018

Kamal B.Sethiya ... Respondent in Rev Appl.No.10/2018

Mithun B.Sethiya ... Respondent in Rev Appl.No.11/2018

Review Applications have been filed under Order XLVII Rule 1 and 2 of the Civil Procedure Code read with Section 114 of C.P.C, against the judgment and decree passed in C.M.A Nos.198, 199 and 200 of 2015, dated 24.08.2017 on the file of the High Court.

Appeals filed under section 47A(10) of the Indian Stamps Act 1899, to set aside the order of the Chief Controlling Revenue Authority and Inspector General of Registration, Chennai in Pa.Ma.No.50909/002/09-2, 50909/O02/09-3, and 50905/002/09-1 dated 11.02.2014 modifying the order of the Special Duty Collector (Stamps) Salem in See.pa.No.3670/08, 3671/08 and 3669/08, dated 03.06.2008, 03.06.2008 and 29.05.2008 and respectively and allow the above CMAs.

For Review Petitioners : Mrs. A.Madhumathi
Additional Government Pleader(CS)

For Respondents : Mr.N.E.A.Dinesh
for M/s.V.Nicholas

J U D G M E N T

These Review Applications have been filed seeking for review of the judgment dated 24.08.2017 passed in C.M.A Nos.198, 199 and 200 of 2015.

2. These Review Applications have been filed by the respondents seeking review of the Common Order dated 24.08.2017 made in CMA Nos.198, 199 and 200 of 2015, wherein the orders under challenged were passed by the Chief Controlling Revenue Authority/ Inspector General of Registration, invoking the suo-motu powers under Section 47-A (6) of the Indian Stamp Act, 1989. The appeals have been allowed by me mainly on the ground that the suo-motu powers cannot be invoked by the Chief Controlling Revenue Authority/ Inspector General of Registration, solely based on the audit objections. I have also relied upon the judgments of this Court in Rajendran v. The Inspector General of Registration, Chennai and two others, reported in 2012 (3) LW 606 and M/s.Karpagavinayaga Associates v. The Inspector General of Registration of Tamil Nadu, reported in 2014 (5) LW 280, in support of my conclusions.

3. In the grounds of review, though the review petitioners would referred to the judgment of this Court in WPMP No.1922 of 2004 etc. dated 01.07.2007 is conceded by the learned Additional Government Pleader the said Judgment has no application to the facts of this case. The subsequent Division Bench judgment of this Court in The Special Deputy Collector (Stamps), Palayamkottai, Tirunelveli District v. M.Alfred and others reported in 2017 (5) LW 212, dated 09.10.2017 also does not deal with the aspect relating to the scope of the powers of the Chief Controlling Revenue Authority/ Inspector General of Registration, while invoking the suo-motu powers. Hence, I do not see any error apparent on the face of the record to enable to entertain the reviews, the Review Petitions are dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jv

To

1. The Sub-Registrar,
   Hosur, Krishnagiri Taluk,
   Krishnagiri District.

2. The Special Deputy Collector (Stamps)
   Salem.

3. The Chief Controlling Revenue Authority,
   Inspector General of Registration,
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+1 cc to the Govt Pleader(CS) sr 21511
+3 ccs to Mr.V.Nicholas Advocate sr 21371,21373,21374

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ssi(co)
aa09/04/2018