

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2018

CORAM

THE HON'BLE MR. JUSTICE R.SUBRAMANIANReview Application Nos. 58 and 64 of 2018

1. Tamilnadu Inspector General
of Registration & Principal Revenue Authority
Office of the IG of Registration
Santhome High Road, Chennai 600 028.
 2. District Revenue Officer (Stamps)
Office of the DRO, Chennai
Chennai Collectorate,
Rajaji Salai, Chennai 600 001.
 3. The Sub Registrar,
Office of the Sub Registrar,
Tiruporur, Chengelpet Taluk,
Kancheepuram District.
- 
VS.
- ... Review Petitioners
in both the applications

G.Mary Chellathai ... Respondent in Rev Appl. No.58/2018

M/s. M.G.M. Diamond Beach
Reasons (P) Ltd.,
Rep by its Director,
No.1, 9th Street, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004. ... Respondent in Rev Appl. No.64/2018

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.168 and 169 of 2016, dated 22.08.2017 on the file of the High Court.

For Review Petitioners : Mrs. A.Madhumathi
Additional Government Pleader

For Respondents : Mr. K.Bijai Sundar

COMMON JUDGMENT

The Review Applications have been filed seeking for review of the common judgment dated 24.08.2017 passed in C.M.A Nos.168 and 169 of 2016

2. The Review Applications have been filed by the respondents seeking review of the Common Judgment dated 24.08.2017 made in CMA Nos.168 and 169 of 2016. The appeals challenging the orders of the Authorities made under Section 47-A (10) of the Act, were allowed by me, on the ground that the proceedings under Section 47-A cannot be invoked in a case where the proceedings for specific performance were pending. I had also referred to the judgments of the Hon'ble Supreme Court in ***State of Rajasthan vs. Khandaka Jain Jewellers Jewellers***, reported in ***2008 (1) CTC 60*** and ***Residence Welfare Association, Noida v. State of Uttar Pradesh***, reported in ***2009 (14) SCC 716*** equivalent to ***2009 (3) LW 316***, after noticing the above two judgments, I had concluded that the judgment in ***Residence Welfare Association*** case, cited supra, will be more apt to the questions

involved in these appeals, I allowed the appeals holding that the very exercise of the power under Section 47-A does not meet the mandatory requirements of the provisions of Section 47-A or the Rules framed thereunder. Though the judgment of this Court in WP (MD) Nos.1922 of 2004 etc. dated 01.07.2007 has been referred to in the grounds of review the said judgment does not relate to the point in issue in the appeals. Hence, I do not see any error apparent on the face of the record to enable to entertain the review. The Review Petitions are accordingly dismissed. No costs.

21.03.2018

jv

Index: Yes/No
Internet: Yes/No
Speaking order/Non Speaking order

To

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R.SUBRAMANIAN,J.

Jv



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