



Rev.Aplw.(MD) No.180 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.12..2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Review Application Writ (MD) No.180 of 2024

in

W.P.(MD) No.16447 of 2024

Kandasamy

..... Applicant / Writ Petitioner

-Versus-

1.The Inspector General of Registration,
Department of Registration,
No.100, Santhome High Road,
Pattinambakkam,
Chennai 600 028.

2.The District Registrar,
Cheranmahadevi,
Tenkasi District.

3.The Sub Registrar,
Kadayam Sub Registrar Office,
Tenkasi District.

4.Arunachalam

..... Respondents / Respondents

Review Application filed under Section 114 r/w Order XLVII, Rule 1 of



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the Civil Procedure Code, 1908, praying to review the order of this court dated 16.08.2024 made in W.P.(MD) No.16447 of 2022.

For Applicant : Mr.Ananth C Rajesh
For Respondent : Mr.S.P.Maharajan,
Special Government Pleader
for RRI to 3

ORDER

This Review Application has been filed by the writ petitioner seeking to review the order of this court dated 16.08.2024 made in W.P.(MD) No.16447 of 2022.

2. This court has heard Mr.Ananth C.Rajesh, learned counsel for the review applicant and Mr.S.P.Maharajan, Special Government Pleader for the respondents 1 to 3.

3. Upon considering the settled legal position regarding the power of the registering authority to go into the validity of the transaction held between the parties, more particularly, the law laid down by the Hon'ble Supreme Court in **Satya Pal Anand v. State of Madhya Pradesh and others, [(2016) 10 SCC 767]**, by order dated 16.08.2023 while dismissing the writ petition, this court has observed as follows:-



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“5. In view of the above settled position of law, unless the power is specifically vested with the registering authority to cancel any document and to go into the matter, there cannot be any direction to cancel the document. All these facts cannot be looked into by this Court and the same has to be agitated before the civil Court.

6. With the above observations, this Writ Petition is dismissed. It is for the petitioner to work out his remedy in the pending civil proceedings. There shall be no order as to costs.”

4. The learned counsel for the review applicant would seek to review the order of this court on the ground that

(i) based on the dismissal of the writ petition, document has been registered;

(ii) the judgement in **Satya Pal Anand's case** (cited supra) relied upon by this court to hold that the power of the Registrar by virtue of Section 68 of the Registration Act, 1908, cannot cover any right to cancel the registered document is not applicable to the case on hand;



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(iii) the registration of the possession of the property through a dismissal decree vide Doc.No.3869 of 2020 dated 05.10.2020 is against the provisions under Section 17(2)(vi) of the Registration Act, 1908;

(iv) Striking down of Section 77-A of the Registration Act, 1908 by a Division Bench of this Court as unconstitutional by order dated 02.08.2024 made in a batch of public interest litigation in W.P.No. 10291 of 2022, will not be applicable to the facts of the case on hand.

5. The learned Special Government Pleader while reiterating the settled position regarding the power of the registering authority in registering a document vehemently opposed the review application.

6. This court has considered the rival submissions carefully.

7. This court does not find any merit at all in the arguments advanced by the learned counsel for the review applicant requiring to review the order of this court dated 16.08.2024 made in W.P.No.16447 of 2022. If at all the review applicant is aggrieved by the registration of the document pursuant to the order of this court, the review applicant can very well avoid such document in the manner known to law instead of seeking to review the order of this court.



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Finding no merit in the review application, this court is of the view that the review application deserves to be dismissed.

In the result, the review application is dismissed with the above observations. No costs. Consequently, connected WMPs are closed.

Index : yes / no
Neutral Citation : yes / no
kmk

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