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*W.M.P.(MD)Nos.1578 & 1579 of 2026
in Rev.Aplc(MD)No.SR 5979 & 5981 of 2026*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 02.04.2026

Pronounced on : 17.04.2026

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

**W.M.P.(MD)Nos.1578 & 1579 of 2026
in Rev.Aplc(MD)Nos.SR 5979 & 5981 of 2026**

1.The Special Deputy Collector (Stamps)
Office of Special Deputy Collector (Stamps)
Virudhunagar District.

2.The Joint-I Sub Registrar,
Karaikudi, Sivagangai District.

: Petitioners
(in both petitions)

Vs.

D.Meena

: Respondent
(in W.M.P.(MD)No.1578 of 2026)

N.RM.Subramani

: Respondent
(in W.M.P.(MD)No.1579 of 2026)

PRAYER in W.M.P(MD)Nos.1578 and 1579 of 2026 : Writ Miscellaneous Petitions filed under Section 5 of Limitation Act, to condone the delay of 608 days in filing the Review Applications against the order dated 23.04.2024 passed in W.P.(MD)Nos.21278 and 21279 of 2017 respectively, pending disposal of the review petition.



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PRAYER in Rev.Aplc(MD)Nos.SR 5979 & 5981 of 2026 : Review Application filed under Order 47 Rule 1 and 2 r/w Section 114 of C.P.C., to review the order, dated 23.04.2024 passed in W.P.(MD)Nos.21278 and 21279 of 2017 and to dismiss the Writ Petitions.

(in both petition)

For Petitioners : Mr.A.Baskaran,
Additional Government Pleader.

For Respondents : Mr.R.M.Arun swaminathan.

COMMON ORDER

The above applications have been filed, invoking Section of 5 of Limitation Act, to condone the delay of 608 days in filing the review applications, challenging the common order passed in W.P.(MD)Nos.21278 and 21279 of 2017, dated 23.04.2024.

2. The respondents in both petitions filed Writ Petitions seeking of Writ of Certiorari Mandamus, to call for the records of the orders issued by the first petitioner in Tha.Pa.No.S.2/438/15 and Tha.Pa.No.S.2/440/15, dated 12.10.2017 and quash the same and consequently, directing the petitioners



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herein to return the rectification deeds to the respondent bearing Registration No.187 and 186 of 2015, dated 17.12.2014 on the file of the second petitioner, without insisting upon any further stamp duty, within time frame to be fixed by this Court.

3. When the Writ Petitions were taken up for hearing, the learned Government Advocate (Civil Side) submitted that there are two boundaries and the extent are different and that the writ petitions may be directed to submit their reply to the show cause notice and that the Special Deputy Collector (Stamps)/first respondent therein, may be directed to consider the same and pass orders within time frame to be stipulated by this Court.

4. This Court passed a common order, directing the writ petitioners to submit their reply to the Special Deputy Collector (Stamps), Virudhunagar District within a period of three weeks from the date of receipt of copy of that order and upon receipt of the same, the said authority was directed to consider the same and pass orders on merits and in accordance with law, within a period of three weeks thereafter.



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5.The respondents herein, by alleging that the order of this Court has not been complied with, filed contempt petitions and the same are pending in Cont.P(MD)Nos.1539 and 1632 of 2025. During the pendency of the contempt petitions, the present petitioners invoking the review jurisdiction of this Court under Order 47 Rule 1 and 2 r/w Section 114 of Code of Civil Procedure, have filed the review applications to review the common order, dated 23.04.2024 passed in W.P.(MD)Nos.21278 and 21279 of 2017 and to dismiss the writ petitions, along with the above petition to condone the delay of 608 days in filing the review application.

6.The petitioners' case canvassed in the delay condonation petition is that the respondents have been pressurizing the Review Applicants to implement the order passed in the Writ Petitions on 23.04.2024 and the order was received by the review applicants on 19.07.2024; that due to miscommunication, the first applicant failed to file review the application against the order passed by this Court; that the respondents had filed contempt petitions; that after perusing the entire documents, the Office of Additional Advocate General -II has given a legal opinion to file review application



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against the order and thereafter, the above review petitions came to be filed; that the delay in preferring the review is neither willful nor wanton and that the review applicants would be put to hardship, if the delay is not condoned.

7. The respondents filed counter affidavits disputing the petitioners affidavit averments and further stated that the reasons stated for condonation of delay are vague, bald and wholly unsatisfactory; that the review applicants have failed to furnish any proper or convincing explanation for the inordinate delay of 608 days in filing the present review applications; that the review applicants have themselves admitted that the order, dated 23.04.2024 was received in their Office on 19.07.2024, but steps were not taken to challenge the said order within prescribed time; that the explanation that the delay occurred due to miscommunication is vague and unsupported by any material particulars and does not constitute sufficient cause under Section 5 of Limitation Act; that only after the respondents initiated contempt proceedings and after issuance of statutory notice by this Court, the review applicants have chosen to file the review applications with enormous delay and the same would go to show that the above petitions have been filed only as an afterthought and as a device to evade compliance of the order passed by this



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Court; that the review applicants have not shown any diligence in pursuing their remedy and hence, they are not entitled to the discretionary relief of condonation of delay and that therefore, the above petitions are liable to be dismissed.

8. No doubt, the petitioners, in their affidavits filed in support of the delay condonation petitions, as well as the respondents, in their counter affidavits, have adverted to the merits of the review applications. However, since the present consideration is confined to the delay condonation petitions, such merits do not fall for adjudication at this stage.

9. Before proceeding further, it is necessary to refer the decision in the case of ***Shankargir Vs. State of Madhya Pradesh and another passed in Civil Appeal No.14613 of 2025, dated 05.12.2025***, wherein the Hon'ble Apex Court expressed its dismay over the manner in which the High Court had condoned the delay of 1612 days on the mere asking of the State Government. The Hon'ble Supreme Court reiterated that the law relating to limitation and condonation of delay is well settled and that the existence of “sufficient cause” must be established and scrutinized before granting such relief.



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10. In the case of ***Thirunagalingam Vs. Lingeswaran and another*** reported in ***2025 Live Law SC 560***, the Hon'ble Apex Court reiterated the legal position that while considering the plea for condonation of delay, the first and foremost duty of the court is to first ascertain the bona fides of the explanation offered by the party seeking condonation rather than starting with the merits of the main matter. Only when sufficient cause or reasons given for the delay by the litigant and the opposition of the other side is equally balanced or stand on equal footing, the court may consider the merits of the main matter for the purpose of condoning the delay and the relevant portion is extracted hereunder :

“Further, this Court has repeatedly emphasised in several cases that delay should not be condoned merely as an act of generosity. The pursuit of substantial justice must not come at the cost of causing prejudice to the opposing party. In the present case, the respondents/defendants have failed to demonstrate reasonable grounds of delay in pursuing the matter, and this crucial requirement for condoning the delay remains unmet.”



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11. The learned counsel for the respondent would rely on the decision of Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Ramkumar Choudhary*** reported in **2024 SCC Online SC 3612**, wherein its earlier decision in ***Union of India Vs. Jahangir Byramiji Jeejeebhoy(D) through his legal heir***, reported in **2024 SCC Online SC 489**, was referred and the relevant passages are extracted hereunder :

5.1. In Union of India v. Jahangir Byramiji Jeejeebhoy (D) through his legal heir, wherein, one of us (J.B.Pardiwala, J) was a member, after referring to various decisions on the issue, it was in unequivocal terms observed by this Court that delay should not be excused as a matter of generosity and rendering substantial justice is not to cause prejudice to the opposite party. The relevant passage of the same is profitably extracted below:

“24. In the aforesaid circumstances, we made it very clear that we are not going to look into the merits of the matter as long as we are not convinced that sufficient cause has been made out for condonation of such a long and inordinate delay.



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25. *It hardly matters whether a litigant is a private party or a State or Union of India when it comes to condoning the gross delay of more than 12 years. If the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. This litigation between the parties started sometime in 1981. We are in 2024. Almost 43 years have elapsed. However, till date the respondent has not been able to reap the fruits of his decree. It would be a mockery of justice if we condone the delay of 12 years and 158 days and once again ask the respondent to undergo the rigmarole of the legal proceedings.*

26. *The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the appellants, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his*



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own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

27. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.

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34. *In view of the aforesaid, we have reached to the conclusion that the High Court committed no error much less any error of law in passing the impugned order. Even otherwise, the High Court was exercising its supervisory jurisdiction under Article 227 of the Constitution of India.*

35. *In a plethora of decisions of this Court, it has been said that delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. The appellants have failed to prove that they were reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in this case.*

36. *For all the foregoing reasons, this appeal fails and is hereby dismissed. There shall be no order as to costs."*

After referring to the above said decision, the Hon'ble Apex Court observed,

'Applying the above legal proposition to the facts of the present case, we are of the opinion that the High Court correctly refused to condone the delay and dismissed the appeal by



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observing that such inordinate delay was not explained satisfactorily, no sufficient cause was shown for the same, and no plausible reason was put forth by the State. Therefore, we are inclined to reject this petition at the threshold.'

6. At the same time, we cannot simply brush aside the delay occurred in preferring the second appeal, due to callous and lackadaisical attitude on the part of the officials functioning in the State machinery. Though the Government adopts systematic approach in handling the legal issues and preferring the petitions/applications/appeals well within the time, due to the fault on the part of the officials in merely communicating the information on time, huge revenue loss will be caused to the Government exchequer. The present case is one such case, wherein, enormous delay of 1788 days occasioned in preferring the second appeal due to the lapses on the part of the officials functioning under the State, though valuable Government lands were involved. Therefore, we direct the State to streamline the machinery touching the legal issues, offering legal opinion, filing of cases before the Tribunal / Courts, etc., fix the responsibility on the officer(s) concerned, and penalize the officer(s), who is/are responsible for delay, deviation, lapses, etc., if any, to the value of the loss caused to the Government. Such direction will have to be followed by all the States scrupulously.



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12. Bearing the above legal position in mind, this Court proceeds to consider the case on hand. As already pointed out, the only reason canvassed for the delay is “miscommunication”. However, the petitioners, in their affidavits, have categorically admitted that copies of the order dated 23.04.2024 were received by their office as early as 19.07.2024. Despite such admission, no explanation whatsoever has been offered for not filing the review applications immediately thereafter.

13. Moreover, as rightly pointed out by the learned counsel for the respondents, even according to the petitioners, the review applications came to be filed only during the pendency of the contempt proceedings initiated by the respondents alleging wilful disobedience of the orders of this Court. It is further stated in the affidavits that the office of the Additional Advocate General–II rendered a legal opinion to prefer review applications, and only thereafter, the present applications came to be filed.

14. This Court is unable to comprehend the stand of the petitioners. As rightly contended by the learned counsel for the respondents, despite the



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issuance of contempt notice, the order of this Court was not complied with, thereby compelling the respondents to initiate contempt proceedings in Cont.P.(MD) Nos.1539 and 1632 of 2025. It is only thereafter, upon issuance of statutory notice by this Court, that the petitioners have chosen to file the review applications along with the present petitions seeking condonation of delay.

15.As per the settled legal position referred to supra, while considering a plea for condonation of delay, the Court must not embark upon an examination of the merits of the case at the threshold. The merits may be adverted to only in a situation where the explanation offered for the delay constitutes “sufficient cause” and the competing equities of both sides stand on an equal footing.

16.In the case on hand, the reasons canvassed, by no stretch of imagination, can be construed as constituting “sufficient cause”. Further, such reasons have not been substantiated by any acceptable material. It is well settled that administrative lapses or vague pleas of miscommunication cannot be accepted as sufficient cause so as to invoke Section 5 of the Limitation Act.



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17. The learned Additional Government Pleader appearing for the petitioners would submit that the review applicants now seek to review to correct the factual error and address the respondent's failure to challenge the actual final determination; that they are advised that they are having good case on merits and fair chance of success for the Review applications and that therefore, the delay may be condoned so as to enable them to prosecute the review applications.

18. It is pertinent to note that the jurisdiction of review is not an automatic right to re-hear a case, but a limited power to correct patent errors. A review proceeding is not an appeal in disguise and can be invoked only on well-recognised grounds, such as discovery of new and important evidence which, despite due diligence, was not within the knowledge of the party, error apparent on the face of the record, or for any other sufficient reason.

19. The Hon'ble Supreme Court of India has consistently reiterated that, though the power of review exists to prevent miscarriage of justice, it cannot be exercised as a substitute for an appeal or to reargue the matter on



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merits. Hence, the contention of the petitioners that they should be afforded an opportunity to prosecute the review applications cannot be countenanced.

20. In view of the above, this Court has no hesitation in holding that the petitioners have failed to establish any sufficient cause for the inordinate delay of 608 days in filing the review applications. Consequently, the present applications are devoid of merits and are liable to be dismissed.

21. In the result, the Writ Miscellaneous Petitions are dismissed. Consequently, the Review Applications are rejected at the SR stage itself.

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NCC : Yes /No
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K.MURALI SHANKAR,J.

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Pre-delivery order made in
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Dated: 17.04.2026