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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.14599 OF 2011

AND

M.P.NO.1 OF 2011

1. Vijay Venkataswamy
2. V.Balaji
3. B.Lakshmi Narayana
4. Minor L.Anvitha
Rep. by natural guardian father
B.Lakshmi Narayana
5. V.Vasanthamani
6. V.Rajakumar
7. R.Nivedita
Rep by her Power Agent,
V.Rajakumar
8. V.Muralidharan
9. Minor M.Akshay
10. Minor M.Mrithyunjay
11. Manickammal
12. Santha Thiagarajan
13. Dheena Ranganathan
14. Padmalochana
15. Sakunthala Mohandas

... Petitioners

.Vs.

1. The Sub Registrar,
(District Registrar Cadre)
Singanallur,
Coimbatore.
2. The Chief Controlling Revenue Authority &
Inspector General of Registration,
Chennai - 600 028.

... Respondents



PRAYER:-

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent dated 26.02.2011 vide D.Dis.No.26597/P1/2007 and quash the same and consequently direct the 1st respondent to register the Collaboration agreement dated 20.12.2006 submitted by the petitioners.

For Petitioner : Mrs.Chitra Sampath
Senior Counsel
For Mr.T.S.Baskaran

For Respondents : Mr.Richardson Wilson
Government Advocate

O R D E R

This Writ Petition is filed to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent dated 26.02.2011 vide D.Dis.No.26597/P1/2007 and quash the same and consequently direct the 1st respondent to register the Collaboration agreement dated 20.12.2006 submitted by the petitioners.

2. The learned senior counsel for the petitioners submitted that the petitioners are the absolute owners of the subject property. They intend to develop the same and entered into a Collaboration Agreement dated 20.12.2006 with M/s.Orchid Infrastructure Developers (Private) Limited for developing our lands. The said agreement was presented for registration. However, the first respondent is directed to pay deficit stamp duty at Rs.2,11,90,244/-.

3. Aggrieved by the same, the petitioners preferred revision before the second respondent. Though the second respondent accept the contention of the petitioners, invented new law and treated the said Collaboration Agreement as mortgagee and directed the petitioners to pay the stamp duty at 4% for the market value of 65% of the subject property chargeable under Article 40(a) of the Indian Stamp Act.

4. Now the matter has been settled between the petitioners and the developers before the Arbitrator and the petitioners also returned the entire amount to the builder which was received as Security Deposit. Therefore, the first respondent is directed to return the Collaboration Agreement dated 20.12.2006 to the petitioner, which was presented for registration.



5. With the above observations, this writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No order as to costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rna

To

1. The Sub Registrar,
(District Registrar Cadre)
Singanallur,
Coimbatore.
2. The Chief Controlling Revenue Authority &
Inspector General of Registration,
Chennai - 600 028.

+1cc to Mr.T.S.Baskaran, Advocate, S.R.No.39647
+1cc to the Government Pleader, S.R.No.40054

W.P.NO.14599 OF 2011 AND
M.P.NO.1 OF 2011

SMI (CO)
PBS/01/09/2021