IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.3738 of 2025

M/s.Cybercity Housing Private Limited,
A Company incorporated under the provisions
of Companies Act 1956,
Represented by its Authorised Signatory,
Mr.R.Murugesan,
S/o.Ramasamy
Having project office at
Divine City Phase-I,
Mangadu,
Chennai - 600 122. ... Petitioner

Vs.

1. The Inspector General of Registration,
   No.100, Santhome High Road,
   Chennai.

2. The Sub-Registrar,
   Kundrathur,
   Chennai - 600 069.

3. Anandh.N

4. Gowri.A ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of writ of mandamus, to direct the second respondent to register pending Document No.42 of 2025, sale deed dated 05.12.2024, presented by the petitioner along with respondents 3 & 4, bearing Application No.S01LANDVV202412043215880, within a time frame fixed by this Court.

For Petitioner	:	Mr.Sharath Chandran
For Respondents	:	Mr.P.S.Raman, Advocate General Assisted by Mr.U.Baranidharan Spl. Govt. Pleader for R1 & R2

O R D E R

This writ petition has been filed for a mandamus to direct the 2nd respondent to register pending Document No.42 of 2025 vide sale deed dated 05.12.2024, presented by the petitioner along with respondents 3 & 4, bearing Application No.S01LANDVV202412043215880. Since no adverse order is going to be passed, notice to respondents 3 & 4 is dispensed with.

2.It is submitted by the petitioner that he is the absolute owner of property comprised in S.No.391/1, 390/1, 389/2A1A, 398/2 and 397/2 in all measuring about 10.68 acres in Mangadu Village, Kundrathur Taluk. It is stated by the petitioner that the lands were purchased for developing housing projects. Certain disputes arose leading to constitution of an Arbitral Tribunal. A consent award dated 10.07.2024 was passed under Section 31(3)(b) of Arbitration and Conciliation Act, 1996, the terms of the settlement *inter alia* included conveyance of property. Award was registered on the file of the 2nd respondent as document No.18726/2024. Petitioner while registering the award paid stamp duty of 1% treating the award to be a decree.

3.It is submitted that villas/apartments was constructed in the subject property and ready for sale and several home buyers expressed their willingness to purchase the above villas/apartments. It is stated that while sale deeds are presented for registration before the 2nd respondent, the same was being refused stating "Cyber City Arbitration Issue", one such sale deed is property measuring an extent of 2409 sq.ft. Comprised in house No.128 purchased by the 3rd and 4th respondents. The 3rd and 4th respondents had paid a sum of Rs.12,68,240/- towards stamp duty and registration. However, the same was refused registration stating "Cyber City Arbitration Issue".

4.It is submitted by the learned Advocate General appearing on behalf of the respondents 1 and 2 that the award ought to have been registered as an instrument of conveyance and not as a decree as was done by the petitioner. It was submitted that if the award was registered as an instrument of conveyance as it ought to be, it would be liable to stamp duty at 7% of the value under Article 23 and registration fee payable at 2% of the value. However by treating this as a decree, stamp duty was paid at 1% of the value. Resultantly, there is a deficit stamp duty and registration fee of Rs.14,11,10,938/- and Rs.3,14,89,360/- in all Rs.17,26,00,298/-. It is no longer in dispute that the stamp duty on the above award ought to have been paid at 7% and registration fee at 2%, however, the dispute today is only in relation to value on which the stamp duty and registration fee ought to be paid. While it is the case of the respondents that the value is

Rs.279,66,09,400/-, the petitioner would submit that the value is Rs.78,07,36,000/- (resulting in a difference of Rs.201,58,73,400/- in the value). It is submitted by the learned Advocate General that proceedings under Section 33A of the stamp Act for recovery of deficit stamp duty is initiated and pending.

5.Learned counsel for the petitioner would submit that in view of refusal to register the sale deeds, the home buyers are despondent causing hardship to the petitioners.

6.Learned Advocate General would submit that the reason for refusal registration is in view of deficit stamp duty and registration fee of Rs.17.26 crores.

7.After submitting for a while, it was agreed to by the learned counsel for the petitioner and the learned Advocate General for the respondents as under:

a) Petitioner would remit a sum of Rs.11 crores out of total demand of Rs.17.26 crores within a period of two weeks from today.

b) Petitioner would offer as security property comprised in 'A' and 'B' Schedule – creating a charge over the said properties for the remaining stamp duty and registration fee of Rs.6.26 crores, within two weeks from today.

The description of the same is extracted herein as under:

<u>Schedule "A" property</u>

(Entire Development)

All that piece and parcel vacant lands admeasuing 16.59 acres comprised in the following Survey Numbers in Mangadu 'B' Village, Pallavaram Taluk, Kancheepuram District:

Survey Numbers	***Area in Acres***
391/1	4.14
390 (part)	2.34
389/2A1A(Part)	1.07
389/2C(part)	0.71
392	3.22
398/2	1.62
397/2	3.49

Survey Numbers	***Area in Acres***
Total	16.59

Schedule "B" property

All that piece and parcel of demarcated land, totally admeasuring an extent of 10.68 acres comprised in the following Survey Numbers in Mangadu 'B' Village, Pallavaram Taluk, Kancheepuram District situated within in the registration district of Chennai south and Sub registration district of Kundrathur, subsequent to the gift of the lands and reserved for future development by the Vendor, forming part of Schedule "A" Property.

Survey Numbers	***Area in Acres***
391/1	3.28
390/1	2.02
389/2A1A(Part)	0.27
398/2	1.62
397/2	3.49
Total	**10.68**

c) Section 33A proceedings shall be completed within a period of 4 weeks from today. On completion of proceedings under Section 33A of the stamp Act, if any duty is found due to the State, it is open to the respondent authorities to recover the same in the manner known to law. On the other hand, if any refund is due to the petitioner, the same would be refunded by the appropriate authority in accordance with law, subject to right of both parties, if aggrieved, to challenge the order in the proceedings under Section 33A of the Stamp Act in the manner known to law.

d) On petitioners depositing Rs.11 crores in terms of clause(a) above, respondent authority would register sale deeds in respect of the subject project, if it is otherwise in order.

8.The Writ Petition stands disposed of on the above terms.

19.06.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji/pam

To

1. The Inspector General of Registration,
   No.100, Santhome High Road,
   Chennai.

2. The Sub-Registrar,
   Kundrathur,
   Chennai - 600 069.

MOHAMMED SHAFFIQ, J.

vji

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