

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.11.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.7043 of 2014 &
MP No.1 of 2014

1.M.Amachiar
2.A.Muthiah

.. Petitioners

..Vs..

1.Sree Gokulam Chit & Finance Co. Pvt.Ltd.,
No.49, Arcot Road
Kodambakkam, Chennai 600 024.

2.The Secretary
Commercial Taxes and Registration Dept.,
Government of Tamil Nadu
Fort St.George, Chennai 600 009.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records of the second respondent relating to the passing of the impugned order issued in G.O.(D) No.409 dated 06.08.2013 and quash the same.

For Petitioners: Mr.R.Raman Laal

For Respondents: Mr.G.Ramachandran - R1

Mr.K.Venkatesh, - R2
Government Advocate

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O R D E R

Heard Mr.R.Raman Laal, learned counsel for the petitioners, Mr.G.Ramachandran, learned counsel for the first respondent and Mr.K.Venkatesh, learned Government Advocate accepting notice on behalf of the second respondent.

2.The petitioners have come forward with this Writ Petition challenging the order passed by the second respondent pertaining to a chit transaction, by which the Government rejected the Revision Petition filed by the petitioner against the award of the Arbitrator.

3.When the mater came up before this Court on earlier occasion i.e. on 09.11.2016, this Court suggested to the parties to work out settlement. Accordingly, the parties have worked out a settlement and the petitioner has filed an affidavit dated 21.11.2016, to the following effect:

AFFIDAVIT FILED BY THE PETITIONER

I, M.Amachiar, D/o. Muthiah, Hindu, aged about 25 years, residing at No.116, Nadu street, Sankaran Kulam Post, Nanguneri, Tirunelveli - District temporarily now come down to Chennai do hereby solemnly affirm and sincerely state as follows:-

- 1. I humbly submit that I am the petitioner herein and so I am competent to file this affidavit.
- 2. I humbly submit that I hereby agree to give a sum of Rs.7,00,000/- as full and final settlement of the amount due as per the Award A.R.C.No.1160/2010 dt.29.03.2011 which is confirmed in G.O.(D) No.410 date 6.8.2013.
- 3. I humbly submit that in view of current withdrawal of high denomination currencies I may be given one months time to settle the amount. On payment of the sum of Rs.7,00,000/- the 1st respondent may be directed to cancel the mortgage created in respect of the properties situate at 1) R.S.No.563/7 part, T.S. Ward No.4, Block No.7, to an extent of 3-1/2 cents situate at Kulavanigarpuram Village, Kulavanigarpuram Main Road, and 2) Old S.No.294, T.S.No.563/5A, T.S. Ward No.4, Block No.7, Thomai Michaelpuram Street to an extent of 3 cents equivalent to 1306.8 sq.ft. and return the original documents to the petitioner."

4.The above affidavit filed by the petitioner is placed on record and the Writ Petition is disposed of by directing the petitioner to remit a sum of Rs.7,00,000/- to the first respondent through proper Banking Channel on or before

23.12.2016. On such remittance being made, the first respondent shall cancel the mortgage by way of a registered instrument before the appropriate Registering Authority on or before 29.12.2016. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

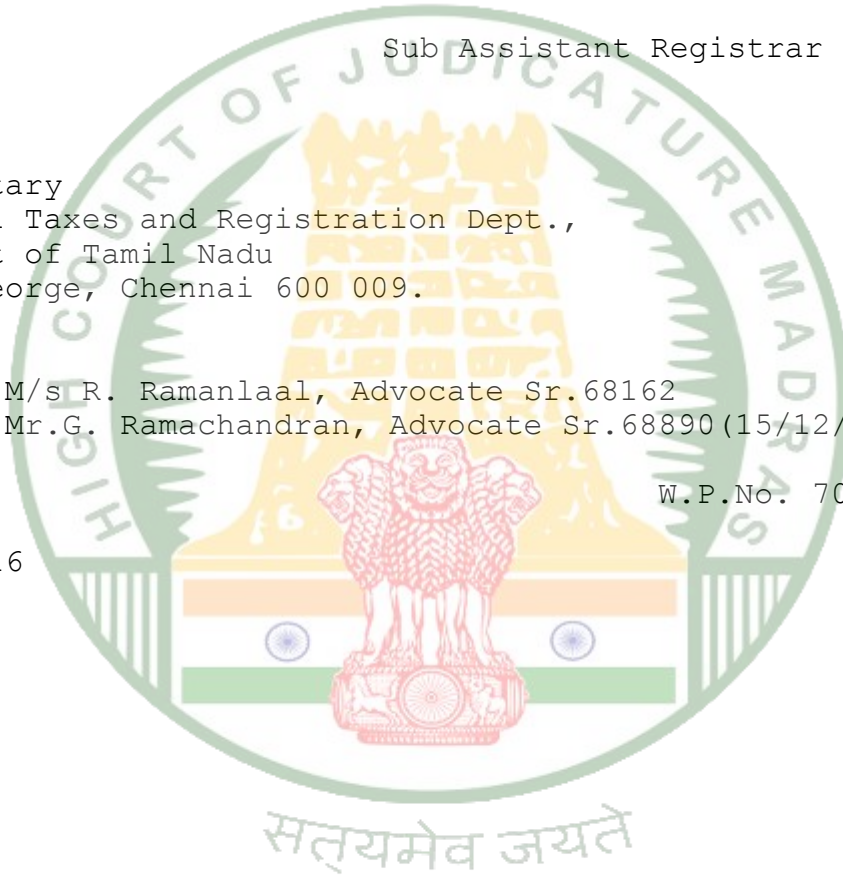
rpa
To

The Secretary
Commercial Taxes and Registration Dept.,
Government of Tamil Nadu
Fort St.George, Chennai 600 009.

+ 1 cc to M/s R. Ramanlal, Advocate Sr.68162
+ 1 cc to Mr.G. Ramachandran, Advocate Sr.68890(15/12/16)

W.P.No. 7043 of 2014

NR(CO)
EU 25.11.16



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