

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.1917 of 2011
and
M.P.No.1 of 2011

K.Damodharan .. Petitioner

vs.

1. The State of Tamil Nadu rep.
by its Secretary to the Government,
Commercial Taxes and
Registration Department,
Secretariat, Chennai - 600 009.
2. M/s.Shriram Chits Tamil Nadu (P) Ltd.,
No.60 and 61, Patel Road,
Perambur, Chennai - 11. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent made in Lr.No.18159/G/2010-1 dated 7.12.2010 and quash the same and consequently allow the petitioner's application to condone the delay and direct the first respondent to hear petitioner's appeal on merits and in accordance with law.

For petitioner : Mr.Boothaswamy
for M/s.Selvi George

For 1st respondent : Mr.S.Diwakar,
Spl.Govt.Pleader

For 2nd respondent : Mr.K.V.Ananthakrishnan

ORDER

The petitioner has filed this Writ Petition to quash the order passed by the first respondent made in Lr.No.18159/G/2010-1 dated 7.12.2010 whereby the appeal filed by the petitioner under section 70 of the Chit Funds Act, 1982 filed against the award passed by the Arbitrator

of Chits, North and South Chennai in ARC No.269/2009 has been rejected.

2. Today, when the matter was taken up for final hearing, the learned counsel for the second respondent, on instruction, submitted that the writ petitioner is the first guarantor (JD2) in ARC No.267/209, the second guarantor (JD3), one Ramesh, has also sent a legal notice in the above ARC alleging that their signature were forged and when the second respondent contradicted with the subscriber Raja, he agreed to pay the entire EP Claim. Consequently, they decided to withdraw EP No.1628/2010 against JD2 to JD4 and to keep the EMP number 1630/2010 alive pending against JD1 and therefore, the second respondent would not proceed against the writ petitioner in the matter. In this regard, a xerox copy of the letter dated 15.4.2011 addressed by the second respondent to their learned counsel advising him to request the learned counsel for the petitioner to withdraw the present Writ Petition is also produced before this Court.

3. In view of the statement made by the learned counsel for the second respondent, the Writ Petition is dismissed. Connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

asvm

To:

The Secretary to the Government,
The State of Tamil Nadu rep.
Commercial Taxes and
Registration Department,
Secretariat, Chennai - 600 009.

+1cc to Mr. Anantha Krishnan, Advocate, S.R.No.73167
+1cc to the Government Pleader, S.R.No.73288

rp(CO)
rs(10/01/2017)

W.P.No.1917 of 2011
and
M.P.No.1 of 2011