

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2017

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.Nos.21265 to 21267 of 2002
and W.P.M.P.Nos.32646 to 32648 of 2004

1. P.Natarajan
2. N.Rama ...Petitioners in W.P.21265/2002

1. P.Natarajan
2. Ramesh
rep by his power agent
V.Mahesh. ...Petitioners in W.P.21266/2002

1. P.Natarajan
2. N.Sarubala ...Petitioners in W.P.21267/2002

Vs.

1. M/s. Busy Bee Chits Private Limited,
No.3, Subramania Gurukkal Street,
Mandaveli, Chennai - 600 028.
2. The Arbitrator,
Central Madras Chit Fund Cases,
26, Rajaji Salai,
Chennai - 600 001.
3. The State of Tamil Nadu
Rep. by the Secretary,
Commercial Taxes Department,
Fort Saint George,
Chennai - 600 009. ...Respondents in all W.Ps.

Prayer:- Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of writ, calling for the records of the second respondent, pertaining to the order made in A.R.C.Nos.532, 534 & 533 of 1995 respectively and as confirmed in Appeal Nos.5876/G/2002-1, 5878/G/2002-1 & 5877/G/2002-1 respectively, CT, Secretariat, Chennai-9, dated 08.04.2002 and quash the same.

For Petitioners
in all W.Ps. : Mr.M.Balachandar

For Respondents
in all W.Ps. : Mr.M.Elumalai
Government Advocate for R3

C O M M O N O R D E R

The prayer sought for in these writ petitions, is to call for the records of the second respondent, pertaining to the order made in A.R.C.Nos.532, 534 & 533 of 1995 respectively and as confirmed in Appeal Nos.5876/G/2002-1, 5878/G/2002-1 & 5877/G/2002-1 respectively, CT, Secretariat, Chennai-9, dated 08.04.2002 and quash the same.

2. Though the aforesaid prayer has been sought for in these writ petitions, the first respondent has not been served sofar. Though the second respondent has been served, no one is representing the second respondent. Mr.M.Elumalai, learned Government Advocate is appearing for the third respondent.

3. When this Court asked what are the steps taken to serve notice to the first respondent, Mr.M.Balachandar, learned counsel appearing for the petitioners submits that for quite long time, there has been no instruction from the petitioners to pursue the matter further. He further states that in spite of best efforts, he could not contact the petitioners and nothing is given by them by way of instructions even with regard to the correct address of the first respondent for serving notice.

4. In view of the said position, Mr.M.Balachandar, learned counsel appearing for the petitioners had made an endorsement in the Court bundle today as follows :- "I reported no instructions for the petitioners in W.P.Nos.21265 to 21267 of 2002."

5. The learned counsel appearing for the petitioners would also submit that as no instructions has been received from the petitioners, he is not in a position to pursue the matter including service of notice to the first respondent with correct address. Hence, he seeks for disposal of these writ petitions.

6. In view of the above said submission made by the learned counsel for the petitioners and the endorsement made by him as stated above in the Court bundle today, the writ petitions are dismissed for non-prosecution on the part of the petitioners. However, in future, if the petitioners are aggrieved by the disposal of these writ petitions they can approach this Court with restoration petitions and this Court

will show indulgence if there is sufficient cause for the non-prosecution on the part of the petitioners. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

rts

To

1. The Arbitrator,
Central Madras Chit Fund Cases,
26, Rajaji Salai,
Chennai - 600 001.
 2. The Secretary to Government
State of Tamil Nadu
Commercial Taxes Department,
Fort Saint George,
Chennai - 600 009.
 3. The Public Prosecutor,
High Court, Madras.
- +1 CC to Govt. Pleader sr 89068.

W.P.Nos.21265 to 21267 of 2002
and W.P.M.P.Nos.32646 to 32648 of 2004
सत्यमेव जयते

NM(CO)
SP(09/01/2018)

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