

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED 16.08.2019  
CORAM  
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.27456 of 2010  
and M.P.No.1 of 2010

D.Paramananthan

...Petitioner

Vs

1. Secretary to Government,  
Commercial Taxes and Registration (G)  
Department, Secretariat, Chennai 600 009.
2. The Chit Arbitrator,  
Central Chennai,  
Opp: Beach Station,  
Chennai 600 001.

3. Sri Gokulam Chits & Finance Company (P) Ltd.,  
Kodambakkam, Chennai 600 024. ...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records in G.O.(D) No.351, dated 09.09.2010 on the file of the 1st respondent herein and quash the same and direct the 2nd respondent to dispose the ARC No.890 of 2008, dated 13.07.2009 on merits.

For Petitioner : Mr.T.Sivagnanasambandan  
For Respondents : Mr.P.P.Purushothaman, G.A.,  
for RR1 & 2  
Mr.G.Ramachandran, for R3

ORDER

This Writ Petition has been filed to quash the order of the first respondent in G.O.(D) No.351, Commercial Taxes and Registration (G) Department, dated 09.09.2010, wherein the order of the second respondent has been confirmed.

2. The petitioner joined as a subscriber in Sree Gokulam Chit and Finance Company Limited in chit group G2E 495 as Ticket No.12 for the value of Rs.1,00,000/- and the amount is payable at the rate of Rs.5,000/- per month for a period of 20 months. The petitioner participated in the auction held on 22.03.2003 and became a successful bidder and received the prize amount of Rs.75,000/- on 16.04.2003 after executing promissory note along with surety.

3. The case of the third respondent is that the petitioner paid subscription up to 14 installments and later failed to pay 6 installments, hence, a case is filed before the second respondent in ARC No.890 of 2008 on 13.07.2009. Though the petitioner appeared before the second respondent and filed a counter statement, denying the liability, but failed to participate in further proceedings.

4. The second respondent on the basis of evidence produced by the third respondent has passed an award and the same was confirmed by the first respondent.

5. It is the submission of the learned counsel for the petitioner that since the petitioner had admittedly filed a counter, the authorities ought to have passed the order on merits even though the petitioner failed to take part in the subsequent proceedings.

6. The learned counsel for the respondents submitted that the Chit company through oral and documentary evidence proved their case.

7. On a perusal of the records, it is seen that despite providing ample opportunity, the petitioner did not utilize the same and in order to prove the claim of the third respondent, P.W1 was examined and exhibits P1 to 5 were marked. Therefore, I find no reason warranting interference in the order impugned in this Writ Petition. In fine, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pvs

To

1. Secretary to Government,  
Commercial Taxes and Registration (G)  
Department, Secretariat, Chennai 600 009.

2. The Chit Arbitrator,  
Central Chennai,  
Opp: Beach Station,  
Chennai 600 001.

+1cc to Government Pleader sr.70226  
+1cc to Mr.G.Ramachandran, Advocate sr.70079

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skv(co)  
nr 03/10/2019



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