

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.5313 OF 2019

ORDER:

1 The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue writ or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent no entertaining the appeal filed by the petitioner against the Order passed by the 4th respondent ie Deputy Registrar of Chits Warangal District at Subedari Hanamkonda in Arbitration Case No AA/CF/No 161/2014 dated 05 12 2016 is illegal and arbitrary and opposed to Article 1419 and 21 of Constitution of India and consequently set aside the order of the 4th respondent dated 05 12 2016 in the interest of justice and pass such other relief or reliefs as this Honble Court deems fit and proper in the circumstances of the case.”

2 Section 70 of the Chit Funds Act, 1982, provides for an appeal against the decision of the Registrar being filed before the State Government.

3 Aggrieved by the order dated 05.12.2018 passed by the Deputy Registrar of Chits, Warangal District at Subedari, Hanamkonda, the petitioner preferred an appeal in the year 2018 and the same was received by the office of the Principal Secretary, Revenue Department, Government of Telangana, on 01.10.2018. Having received such a statutory appeal, it is not open to the appellate authority to remain inactive upon the same. In the event the said appeal is found to be in order, it requires to be numbered so that it can be adjudicated upon on merits. In the event it is found to be defective, the appellate authority would be required to reject or return the same. Without taking either step, it is not open to the appellate authority to remain somnolent.

4 The Writ Petition is accordingly disposed of directing the first respondent to take appropriate action as stated supra upon the petitioner’s appeal. This exercise shall be completed expeditiously.

5 Pending Miscellaneous Petitions, if any, shall stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

Date: March 19, 2019.
Kvsn

