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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.17400 OF 2021

M/s.Palladam Chit Funds Private Limited,
Rep.by its Managing Director,
Mr.C.Easwaramoorthy,

.. Petitioner

Versus

1.The Sub Registrar,
Palladam Sub Registrar Office,
Palladam, Coimbatore.

2.M/s. Casper Export (Firm),
No.136, Kinathukadavu Thottam,
Aalathupalayam,
Pavadukapalayam (Post)
Palladam, Tiruppur District.

3.D.Sasikala

4.R.Deivasigamani

5.Saraswathi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 02.03.2021.

For Petitioner : Mr.A.Saranraj

For R1 : Mr.Yogesh Kanndasan
Government Advocate

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 02.03.2021.

2. The case of the petitioner is that the petitioner was running Chit Fund in the name and style of M/s. Palladam Chit Funds Private Limited. The 2nd respondent is the one of the customer in Chit Group No.199 of 2014, the chit value of Rs.50,00,000/-. Thereafter, the 2nd respondent had a successful bidder, they took 6th chit in an auction held on 10.02.2015 and



the 3rd respondent had received a sum of Rs.38,00,000/- from the petitioner on 23.02.2015. Subsequently, the father of the respondents 2 & 3 namely Ramasamy had agreed to mortgage his property and deposit the documents in the petitioner's company name and he gave a consent letter dated 23.02.2015. Eventhough the chit period was completed on 10.09.2016 but the respondents 2 to 4 failed to repay the balance chit amount. Following the same, the petitioner made several requests to the respondents 2 to 4, but they did not consider the petitioner's request. However, the petitioner preferred a petition before the Chit Arbitrator in ARC.No.87 of 2018 and the same was awarded for a sum of Rs.44,58,210/- on 15.04.2019 and also the Arbitrator passed an order of attachment of the property. The then, the petitioner has also filed Execution Petition in E.P.No.410/2019 before the learned I Additional District Judge, Tiruppur and the same is now pending. However, the petitioner/Company had issued a legal notice to the 1st respondent/Sub Registrar on 03.10.2020 to attach the property of the respondents 2 to 4 till the realization of the chit amount, but the 1st respondent has not attached the property. Hence, the petitioner made a representation to the 1st respondent on 02.03.2021, but the 1st respondent has not taken any steps in this regard. Hence, the petitioner has come forward with the present writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's representation dated 02.03.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 1st respondent to consider the petitioner's representation dated 02.03.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msm



To

1. The Sub Registrar,
Palladam Sub Registrar Office,
Palladam, Coimbatore.

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+1cc to Mr.A.Saranraj, Advocate, S.R.No.43066
+1cc to the Government Pleader, S.R.No.42264

W.P.No.17400 of 2021

AD(CO)
CS/27/09/2021