



WEB COPY



WP.No.26492 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WP.No.26492 of 2009
and MP.No.1 of 2009

T.Annamalai

...petitioner

Vs.

1. Principal Secretary to Government,
Commercial Taxes and Registration,
(K) Department,
Fort St. George,
Chennai 9.
2. The Deputy Registrar of Chits,
Erode,
Erode District.
3. A.Shanmugam,
Director,
R.A.N. Mudaliar Chit Funds and Finance (P) Ltd.,
121 Eswaran Kovil Street,
Erode.

...respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records of the order passed by the 1st respondent in G.O.(D) No.477



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dated 05.11.2009 and quash the same, and consequently, direct the 3rd respondent to set off the amount which is payable to the petitioner by the 3rd respondent.

For Petitioner	: No Appearance
For Respondents	
for RR1 & 2	: Mr.E.Vijay Anand, AGP
for R3	: Mr.Siddarth Prabhu
	for M/s.BFS Legal

ORDER

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the first respondent in G.O.(D) No.477 dated 05.11.2009 and consequently, direct the third respondent to set off the amount, which is payable to the petitioner by the third respondent.

2. Challenging the order in the appeal under Section 70 of the Chit Funds Act filed by the writ petitioner as against the order of Deputy Registrar of Chits in Arbitration Case No.25 of 1987, dated 29.09.1988, the above Writ Petition is filed.

3. The matter relates to the arbitration proceedings initiated by the third respondent Chit Fund Company for recovery of the amount due



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from the subscriber/writ petitioner. The contesting respondent, viz., the third respondent has obtained an order from the Deputy Registrar of Chits in his favour for a sum and the same was also confirmed by the appellate authority, viz., the first respondent. Subsequently, it is seen that the contesting respondent has filed a memo before the Executive Court reporting full satisfaction of the decree. Since the entire money due as per the order passed by the respondents 1 and 2 were settled, the executive proceedings have come to an end.

4. The learned counsel appearing for the contesting respondent/third respondent stated that the Writ Petitioner had deposited 50% of the amount to the credit of the proceedings before the Deputy Registrar of Chits and the said amount was also withdrawn by the Writ Petitioner consequent to the satisfaction memo filed by the decree holder.

5. The learned counsel appearing for both the respondents submitted that no further adjudication is necessary as the dispute has already been settled out of Court.



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6. Recording the said statements, this Writ Petition is closed.

No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
pvs

To

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