

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P. No.19081 of 2013
and M.P. No.1 of 2013

1. B.Bhaseer Hasan
2. Hajara

..Petitioners

Vs.

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Chennai - 9.
2. Sree Gokulam Chits & Finance Co.(P) Ltd.,
No.49, Arcot Road,
Kodambakkam, Chennai - 24.
3. The Registrar of Chits,
Rajaji Salai,
Chennai - 1.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, seeking Writ of Certiorarified Mandamus to call for the records pertaining to the impugned G.O.(D) No.192 Commercial Taxes and Registration (G) Department dated 15.04.2013 of the first respondent arising out of ARC. No.359/2010 on the file of Registrar of Chits, Central Chennai -1, to quash the same and to direct the first respondent to consider the appeal on merits by condoning the delay in filing the appeal.

For Petitioners : Mr. V.Manohar

For Respondents 1&3 : Mr. U.Bharanidharan
Additional Government Pleader

For Respondent 2 : Mr. G.Ramchandran

O R D E R

This Writ Petition has been filed challenging the order passed by the first respondent dated 15.04.2013 confirming the order passed by the third respondent.

2. The case of the petitioners is that the third respondent passed an ex parte order dated 27.08.2010 directing the petitioners to pay a sum of Rs.4,70,855/- along with interest and cost. Aggrieved by the same, the petitioners filed an appeal before the first respondent. The first respondent through the impugned order dated 15.04.2013 dismissed the appeal on the ground that there was an inordinate delay of two years three months and two days in filing the appeal without any valid reasons and hence, the first respondent without going into the merits of the case, rejected the appeal on the ground of delay. Aggrieved by the same, this Writ Petition has been filed before this Court.

3. Heard Mr.V.Manohar, learned counsel for the petitioners, Mr. U.Bharanidaran, learned Additional Government Pleader appearing for respondents 1 & 3 and Mr. G.Ramachandran, learned counsel appearing for second respondent.

4. It is seen from the records that the petitioners did not contest the case seriously at any stage. When the matter was referred to the Registrar, the notice was served on the petitioners and they were given at least four opportunities to put forth their defense. The petitioners did not contest the case and hence the Registrar of Chits, on considering the materials on record, passed an award on 27.08.2010.

5. The petitioners even thereafter did not go on appeal and it took nearly two years and three months for the petitioners to file an appeal before the first respondent. The first respondent considered the enormous delay in filing the appeal without any convincing reason given on the side of the petitioner to condone the delay. On this ground, the appeal was rejected by the first respondent.

6. The petitioners cannot sleep over their rights and should have been more vigilant in prosecuting the case. At no stage, the petitioners were prosecuting the case with seriousness and both before the Registrar as well as at the time of filing the appeal, the petitioners slept over the matter and there is absolutely no illegality on the part of the first respondent to have rejected the appeal on the ground of delay. This Court is reminded of the oft-quoted *Vigilantibus Non Dormientibus Jura Subveniunt* which means that law will come to the rescue of only those who are vigilant and not for those who sleep over their rights.

7. In view of the above discussion, this Court does not find any ground to interfere with the order passed by the first respondent dated 15.04.2013. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

bkn

To

1.The Secretary to Government,
Commercial Taxes and Registration Department,
Chennai - 9.

2.The Registrar of Chits,
Rajaji Salai,
Chennai - 1.

+1cc to Government Pleader SR. No. 38945

W.P. No.19081 of 2013

AJB (CO)
PR (13/07/2022)