



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.06.2022
CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

WEB COPY

W.P. (MD) .No.10463 of 2011

and

M.P. (MD) No.1 of 2011

Sree Visalam Chit Fund Limited,
represented by its Director,
Shri C.T.Natarajan,
158, O.A. Street, Pallattur,
Sivagangai District- 630 107.

... Petitioner

Vs.

1.The District Registrar (Chits),
Virudhunagar, Virudhunagar District.

2.S.Nachammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order in Na.Ka.No.3691/C/2011, dated 19.08.2011, signed 29.08.2011, passed by the first respondent and to quash the same.

For Petitioner	: Mr.S.Parthasarathy
For R1	: Mr.P.Thilak Kumar, Government Pleader for Mr.M.Ramesh, Government Advocate
For R2	: Mr.Babu Rajendran

O R D E R

The present Writ Petition is filed challenging the order passed by the first respondent herein, under which a subscriber's appeal has been allowed directing the petitioner Foreman to refund the amount that has been retained by them in violation of the Chit Fund Act.

2.The learned Counsel appearing for the petitioner submitted that they received a notice from the first respondent on 29.07.2011 for which they have given a reply on 02.08.2011. The first respondent has originally passed an order on 22.08.2011 as if none of them have appeared or offered any explanation to the notice. However, the first respondent has chosen to pass an amended order on 29.08.2011, to the effect that the same representative appeared from the petitioner Company and no explanation was offered by them.



3. Time was granted to the learned Government Pleader Office to verify the reply sent by the petitioner Company on 02.08.2011 in the files. However, they are not able to trace the same.

4. Considering the fact that the first respondent has chosen to pass an order on 19.08.2011 and thereafter, modified the same on 29.08.2011, with regard to the appearance of the representative of the petitioner Company, this Court finds that the first respondent Office has lost the reply sent by the petitioner Company. In such circumstances of the matter, this Court finds that the impugned order in the Writ Petition has been passed without considering the reply sent by the petitioner Company.

5. The impugned order being passed without considering the reply sent by the petitioner Company is set aside and remitted back to the first respondent. The petitioner Company is directed to furnish a fresh reply to the notice issued by the first respondent. Based upon the said reply, after giving opportunity to both the parties, the first respondent shall pass a fresh order. The petitioner Company is directed to issue a fresh reply after sending copy to the first respondent. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above said observation, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/07/2022

Sub Assistant Registrar (CS)

Tmg

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

The District Registrar (Chits),
Virudhunagar, Virudhunagar District.

WEB COPY

+1 CC to M/s.S. PARTHASARATHY, Advocate (SR-26806[F] dated 20/06/2022)

+1 CC to M/s.SPL.GP (SR-27064[F] dated 21/06/2022)

+1 CC to M/s.BABU. RAJENDRAN, Advocate (SR-27317[F] dated 22/06/2022)

Order made in
W.P.(MD).No.10463 of 2011
20.06.2022

SS/01/07/2022/ 3P 5C