WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.06.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.1278 of 2012
and
M.P(MD)Nos.1 & 2 of 2012

R.J.K.Thilak ... Petitioner

Vs.

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

2.The Arbitrator/Chit Registrar,
Central Chennai Chit Funds Cases,
Chennai.

3.Sree Gokulam Chits Finance Limited,
49, Arcot Road,
Chennai-24. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the award in A.R.C.No.1555/2007 on the file of the second respondent, dated 10.01.2008 and the subsequent rejection of the appeal in Letter No.17941/G/2010-1, dated 25.11.2010 on the file of the first respondent and quash the same.

For Petitioner : Mr.A.Rajkumar Sen

For R-1 & R-2 : Mr.D.Sasikumar
Additional Government Pleader

For R-3 : No appearance

ORDER

The present Writ Petition has been filed challenging an order passed by the first respondent herein, under which the appeal presented by the writ petitioner under Section 70 of the Chit Funds Act, 1982 has been rejected on the ground that it is barred by limitation.

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2. The petitioner suffered an order in ARC.No.1555 of 2007 on 10.01.2008 before the second respondent. As against the orders of the second respondent, the petitioner is entitled to file a statutory appeal under Section 70 of the Chit Funds Act, 1982 within a period of two months from the date of award to the state Government. Admittedly, in the present case, the petitioner has chosen to file an appeal to the first respondent on 08.11.2010, which is clearly beyond the period prescribed under Section 70 of the Chit Funds Act.

3. It is a settled position of law that where an outer time limit is fixed in a statute for entertaining an appeal, this Court cannot exercise its discretion and direct the authorities to condone the delay and entertain the appeal. In view of the settled position of law, there is no scope for interfering the impugned order.

4. The Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

btr

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

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

2.The Arbitrator/Chit Registrar,
Central Chennai Chit Funds Cases,Chennai.

+1 CC to M/s.SPL.GP (SR-26151[F] dated 16/06/2022)

Order made in
W.P.(MD).No.1278 of 2012
15.06.2022

srr(CO)
TR(05.07.2022) 2P 4C

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