



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.2342 of 2011

and

M.P(MD)No.1 of 2011

WEB COPY

C.Sekaran

... Petitioner

Vs

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

2.The Deputy Registrar of Chits,
Karaikudi,
Sivagangai District.

3.Nagarani Chit Fund (P) Limited,
Through its Proprietor,
Rama Rengarajan,
8/4-3, East Car Street,
Thirupathur - 630 211,
Sivagangai District.

4.M.Elamozhi

5.RM.Prakasam

... Respondents

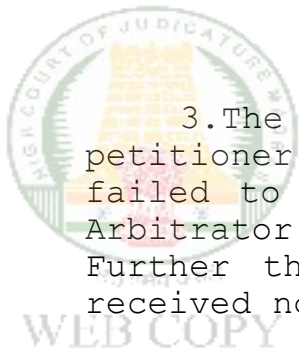
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified mandamus to call for the records pertaining to the impugned order passed by the first respondent in letter No.19502/G/2010-1, dated 15.12.2010, quash the same and consequently direct the first respondent to decide the petitioner's unnumbered appeal petition dated 01.12.2010 on merits.

For Petitioner	: Mr.S.Jayakumar
For Respondent	: Mr.D.Gandhiraj,
Nos.1 & 2	Special Government Pleader
For Respondent	: No appearance
No.3	

ORDER

This writ petition has been filed as against the order passed by the Secretary, Commercial Taxes and Registration Department, dated 15.12.2010.

2.The petitioner aggrieved over the order of the Arbitrator of Chits, Karaikudi in ARC No.76 of 2005, dated 16.03.2006, preferred an appeal under Section 70 of the Chit Funds Act, 1982. The appeal was dismissed on the ground of delay.



3.The learned Counsel for the petitioner submits that the petitioner stood as a guarantor to the fourth respondent, who has failed to pay the chit amount and award has been passed by the Arbitrator against this petitioner as he being the guarantor. Further the petitioner became aware of such order, only when he received notice in the execution petition.

4.It is to be noted that any appeal to be filed under Section 70 of the Chit Funds Act, has to be filed within a period of two weeks from the date of the award. It is seen from records in this case that the award was passed on 16.03.2006 in ARC No.76 of 2005 and the appeal was filed only on 06.12.2010, nearly after a period of four years and there is no sufficient reason provided for such belated filing and therefore, the appeal was dismissed on limitation, as per Section 70 of the Chit Funds Act.

5.In view of the above, this Court is not inclined to entertain this writ petition. Therefore this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

dsk

To

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

2.The Deputy Registrar of Chits,
Karaikudi,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-15317[F] dated 30/03/2022)

W.P(MD)No.2342 of 2011
29.03.2022

KG(CO)

KB(08.04.2022) 2P 4C