



WEB COPY



W.P.No.1171 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.1171 of 2023

and

Writ Miscellaneous Petition No.1195 of 2023

1.K.Thiruselvi

2.G.Kamaraj

... Petitioners

Versus

1. The Secretary to Government,
Government of Tamil Nadu,
Commercial Taxes and Registration (G) Department,
Secretariat, Chennai – 600 009.

2. M/s.Sree Gokulam Chit and Finance Company (P) Ltd.,
No.49, Arcot Road, Kodambakkam,
Chennai – 600 024.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to dispose the petitioner's representation dated 06.12.2022 and permit the petitioners to deposit the demand draft D.D.No."120278" for a sum of Rs.5,07,500/- (Rupees Five Lakhs Seven Hundred and Five Hundred only) dated 21.11.2022, drawn on Indian Overseas Bank, Kamaraj Road Branch, Kumbakonam in favour of the 2nd respondent "Sree Gokulam



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Chit and Finance Co. (P). Ltd” as per 1st respondent Appellate Authority Order G.O.(D) No.185, dated 15.09.2022 before this Hon'ble Court and directing the 2nd respondent to release the original Sale Deed document, Doc.No.169/1991, dated 10.02.1991, which was attached before Judgment order in ARC No.253 of 2014, dated 06.03.2015 passed by the Central Chennai Chit Funds Cases Court at Chennai in favour of the 2nd respondent Sree Gokulam Chit and Finance Co (P) Ltd., registered before the Kumbakonam, Joint Registrar-I, dated 09.03.2015 Doc.No.2/2015 reflected in encumbrance Certificate, dated 26.11.2022.

For Petitioners : Mr.D.Dhayalan

For Respondents : Mrs.P.Rajarajeswari,
Government Advocate

ORDER

The Writ Petition has been filed in the nature of a Writ of Mandamus seeking a direction against the 1st respondent to dispose of a representation dated 06.12.2022 and permit the petitioners to deposit the demand draft in accordance with the directions of the 1st respondent, before this Court and consequently, direct the 2nd respondent to release the Title Deeds of the property of the petitioners.



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2. The petitioners had participated in a Chit Fund offered by the 2nd respondent. The money became due. They had to pay out the Chit Fund. They failed to do so. Therefore, the 2nd respondent had initiated as arbitration proceedings before the Arbitrator for Central Chennai Chit Fund Cases Court in Chennai. The petitioners had suffered an award before the said Arbitrator.

3. Thereafter, they had filed an appeal before the 1st respondent. The 1st respondent had also passed necessary orders. In accordance with the orders, the petitioners have taken out Demand Draft for a sum of Rs.5,07,500/- [Rupees Five Lakhs Seven Thousand and Five Hundred only].

4. The learned counsel for the petitioners stated that the said demand draft has been refused to be received by the 2nd respondent.



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5. It is purely a contractual issue between the petitioners and the 2nd respondent.

6. The choice is left with the 2nd respondent to receive the Demand Draft. They must either receive it or they must give an explanation why they are not receiving it.

7. The petitioners are therefore directed to again forward the Demand Draft to the 2nd respondent and thereafter proceed in manner known to law.

8. The Demand Draft cannot be deposited in Court and there cannot be a direction to release any title document.

9. A direction is given to the petitioner to forward the demand draft to the 2nd respondent and to the 2nd respondent, to take necessary steps in accordance with such payment made by the petitioners.

10. The Writ Petition stands disposed of on the above said terms.



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No order as to costs. Consequently, the connected miscellaneous petition stands closed.

20.01.2023
(1/3)

ssi

Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No

To:

1. The Secretary to Government,
Government of Tamil Nadu,
Commercial Taxes and Registration (G) Department,
Secretariat, Chennai – 600 009.

C. V. KARTHIKEYAN,J.



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