



WEB COPY



W.P.No.25372 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.25372 of 2024

C.Jayaram

... Petitioner

Vs.

1.Secretariat to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai – 9.

2.Sree Gokulam Chit & 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 for issuance of a Writ of Mandamus, directing the 1st respondent to number and hear the un-numbered appeal filed on 03.04.2024 and dispose of the same on merits in an urgent basis.

For Petitioner : Mr.S.R.Raghunathan

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER



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This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the 1st respondent to number and hear the un-numbered appeal filed on 03.04.2024 and dispose of the same on merits in an urgent basis.

2. Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader, accepts notice on behalf of the 1st respondent. In view of the consent expressed by the learned counsel appearing for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, he joined as a subscriber in the Group G2M 431 with ticket No.17 which was for a period of 12 months at Rs.2,50,000/- vide Chit Fund Agreement dated 04.04.2018 circulated by the 2nd respondent and at the 4th auction held by the 2nd respondent on 11.07.2018, he bid the chit at a discount of Rs.12,50,000/- and received a prize amount of Rs.37,50,000/-. Subsequently, the 2nd respondent, alleging non-payment of installments after receiving the prize amount, preferred an Arbitration before the Arbitrator for Central Chennai Chit Fund Cases as per the provisions of Section 64 of the Chit



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Funds Act, 1982 for recovery of Rs.39,12,601/- in Arbitration Case No.58 of 2022 and in which, the learned Arbitrator has passed an *exparte* award dated 20.07.2022 directing the petitioner to pay a sum of Rs.29,12,601/- towards principal and interest and future interest at the rate of 24% per annum from the date of dispute, till the relation and costs of Rs.1,97,404/-. Aggrieved by the same, the petitioner preferred an appeal u/s 70 of the Chit Funds Act, 1982 r/w Rule 58 of the Tamil Nadu Chit Fund Rules 1984 before the 1st respondent, however, till date the said appeal has not been numbered. Therefore, left with no other alternative, the petitioner has filed the above writ petition.

4. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the 1st respondent to number and hear the un-numbered appeal filed on 03.04.2024 and dispose the same on merits, within a time frame that may be fixed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this court, without going into the merits of the case,



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directs the 1st respondent to number the appeal filed by the petitioner on 03.04.2024 and dispose of the same, on merits and in accordance with law, after providing opportunity to the 2nd respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

30.08.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

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



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M.DHANDAPANI, J.

sp

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