



W.P(MD)No.3998 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3998 of 2024

and

W.M.P.(MD)Nos.3883 & 3884 of 2024

A.Sivakumar

... Petitioner

Vs.

1.The District Registrar (Chit Fund)
Ramanathapuram District.

2.The Manager,
Sri Ram Chits Tamilnadu (Pvt) Limited,,
Ramanathapuram Branch,
Ramanathapuram.

3.The General Manager,
Tamilnadu State Transport Corporation,
Kumbakonam Division,
Karaikudi Regional,
Sivagangai District.

4.Senthilkumar

5.Sivakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to call for the records relating to the impugned order in case no.03/2018 dated 27.06.2018 passed by the 1st respondent and quash the same as illegal.



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W.P(MD)No.3998 of 2024

For Petitioner : Mr.B.Mahendrarajan

For Respondents : Mr.D.S.Nedunchezian
Government Advocate for R1

: Mr.P.Ganapathi Subramanian for R2

: no appearance for R3

: service awaited for R4 & R5

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for R1 and the learned counsel for the second respondent. The third respondent has been served. Notice issued to R4 & R5 could not be served.

2. The petitioner challenges the impugned award passed by the Chit Registrar. The second respondent was the applicant before the chit registrar. The case of the second respondent was that R4 & R5 herein were chit subscribers. They had committed default. The second respondent took the stand that the petitioner was one of the guarantors. The award was passed in favour of the second respondent herein on 27.06.2018. It was also put to execution in E.P.No.10 of 2021 on the file of the Sub court, Ramanathapuram. When the petitioner's salary came to be attached, he became aware of this development. The specific stand of the petitioner is that impersonation was



W.P(MD)No.3998 of 2024

committed and his signature was forged. He would go to the extent of taking the stand that that notice issued by the chit registrar was never served on him.

He also states that he filed a petition and got direction under Section 156(3) of Cr.P.C in Crime No.1 of 2024 on the file of the District Crime Branch, Ramanathapuram.

3. Taking note of these aspects, I permit the petitioner to prefer an appeal before the Secretary to Government, Commercial Tax and Registration Department. Even though more than six years have elapsed, if the petitioner herein files an appeal within a period of three weeks from the date of receipt of a copy of this order, the same will be entertained without reference to limitation. Since the petitioner alleges that there is impersonation and forgery, the impugned award shall be put on hold for a period of ten weeks from today. The petitioner's salary will not be deducted for a period of ten weeks from today. It is open to the petitioner to apply for interim relief from the appellate authority/Government. If the petitioner fails to file an appeal within three weeks, or fails to get interim relief at the hands of the Government, the order now passed for keeping the award proceedings / execution proceedings on hold will automatically get vacated. I make it clear that grant of relief to the petitioner does not mean that this Court is endorsing the claim of the petitioner.



W.P(MD)No.3998 of 2024

G.R.SWAMINATHAN, J.

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4. Leaving open the contentions of the petitioner as well as the second respondent, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.03.2024

Index : Yes / No

Internet : Yes/ No

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To

The District Registrar (Chit Fund)
Ramanathapuram District.

W.P(MD)No.3998 of 2024

06.03.2024