

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 25232 of 2015 (D)

PETITIONER :

**PALLIKKARA ALEEMA MANSOOR ALI AGED 39 YEARS
ANWAR MANZIL, T.B ROAD, KANHANGAD,
KASARAGOD 671 315.**

**BY ADVS.SRI.K.I.MAYANKUTTY MATHER
SRI.R.JAIKRISHNA**

RESPONDENTS :

- 1. INCOME TAX OFFICER, WARD 2,
INCOME TAX DEPARTMENT, KASARAGOD 671 121.**
- 2. COMMISSIONER OF INCOME TAX (APPEALS)
KOZHIKODE 673 001.**

BY GOVERNMENT PLEADER SRI. K.M. V PANDALAM, SC,

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: COPY OF THE ASSESSMENT ORDER ALONG WITH ANNEXURES FOR THE AY 2007-2008 (INCOME TAX) DATED 16.3.15.

EXHIBIT P2: COPY OF THE BANK STATEMENT OF THE PETITIONERS WIFE DATED NIL.

EXHIBIT P3: COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT FOR THE AY 2007-2008(INCOMETAX) DATED 23.3.15.

EXHIBIT P3(A): COPY OF THE STAY PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT FOR THE AY 2007-2008 (INCOME TAX) DATED 28.3.15.

EXHIBIT P4: COPY OF THE PENALTY NOTICE ISSUED BY THE 1ST RESPONDENT FOR THE AY 2007-2008 (INCOME TAX) DATED 3.7.15.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.25232 of 2015

Dated this the 19th day of August, 2015

JUDGMENT

The petitioner, impugning Ext.P1 assessment order, filed Ext.P3 appeal before the second respondent. The petitioner also filed Ext.P3(a) stay application.

2. Considering the facts and circumstances, there shall be a direction to the second respondent to consider the stay application within a period of three months after issuing notice to the petitioner. Till the disposal of the stay application, all recovery proceedings based on the assessment order shall be kept in abeyance. The petitioner is directed to produce a copy of this judgment before the Appellate Authority.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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