

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.18551 of 2015

Rice Lake Weighing Systems India Ltd.,
Represented by its Director Mr.R.Hariharan
A-27, SIPCot Industrial Growth Centre,
Oragadam,
Sriperumpudur Taluk - 602 105.

...Petitioner

Vs.

1. The Commercial Tax Officer,
Karaikal Assessment Circle,
Karikal - 609 602.
2. The Union Territory of Puducherry,
Represented by its Secretary (Finance),
Puducherry.
3. The Assistant Commissioner (CT),
Chrompet Assessment Circle,
No.117, Station Road,
Radhanagar,
Chennai - 600 044.
4. Marg Ltd.,
Rep.by its Managing Director,
"Marg Axis" No.4/318,
Rajiv Gandhi Salai,
Kottivakkam,
Chennai - 600 041.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent and 2nd respondent to arrange to issue declarations in Form 'C' to the Fourth respondent herein in pursuance of request made in Letter dated 24.03.2015.

For Petitioner : Mr.Joseph Prabakar
For R-1 & R-2 : Mrs.N.Mala,
Addl. Govt. Pleader (Pondycherry) (T)
For R - 3 Mr.Manoharan Sundaram,
Additional Government Pleader (T)

O R D E R

This writ petition has been filed seeking a Writ of Mandamus directing the 1st respondent and 2nd respondent to arrange to issue declaration in Form C to the 4th respondent herein in pursuance of the request made in letter dated 24.03.2015.

2. Opposing the above prayer, Mrs.N.Mala, the learned Additional Government Pleader (Pondicherry T) appearing for respondents 1 and 2 and Mr.Manoharan Sundaram, Additional Government Pleader (T) appearing for the 3rd respondent raised preliminary objection stating that the writ petition is not maintainable.

3. The learned Additional Government Pleader (Pondicherry T) appearing for respondents 1 and 2 strenuously contended that the petitioner cannot file the present writ petition on behalf of the 4th respondent to direct the respondents 1 and 2 to arrange to issue declaration in Form C to the 4th respondent, as the 4th respondent has not come to this Court. Adopting the same argument, the learned counsel appearing for the 3rd respondent also submitted that no direction can be sought for from the 1st respondent on behalf of the 4th respondent.

4. This Court finds full merits on the submission made by the learned Additional Government Pleader appearing for the respondents, since as a matter of fact, when the petitioner cannot file a writ petition on behalf of the 4th respondent, a direction to the respondents 1 and 2 to arrange to issue declarations in Form C to the 4th respondent cannot be given. Moreover, the 4th respondent has not come to this Court. Hence, this writ petition fails and the same is dismissed. No Costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

vsm

To

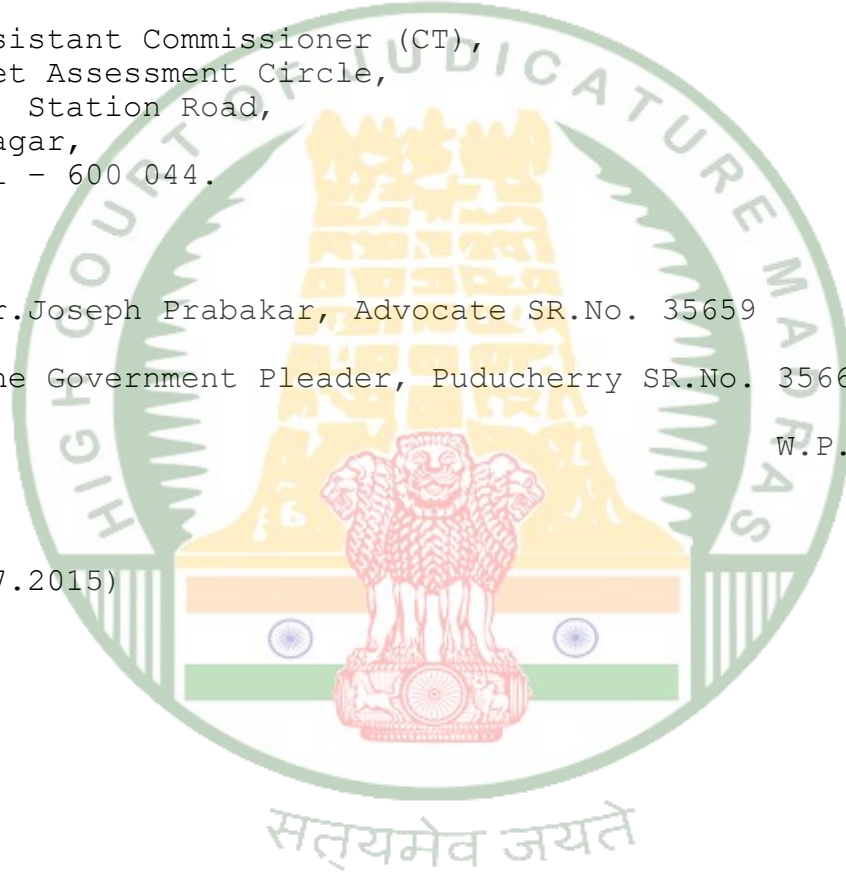
1. The Commercial Tax Officer,
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1 CC to Mr. Joseph Prabakar, Advocate SR.No. 35659

1 CC to the Government Pleader, Puducherry SR.No. 35666

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PSI (16.07.2015)



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