IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.26322 of 2015

Ms.Syeda Shehzadi ...Petitioner

Vs.

1. The Deputy Director of Income Tax
   Exemptions II,
   Annexe Building, Aayakar Bhawan,
   Nungambakkam, Chennai - 34.

2. The Income Tax Officer (OSD),
   Exemptions - III, Annexe Building,
   Aayakar Bhawan, Nungambakkam,
   Chennai - 34. ...Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 30.06.2015 within a time frame.

For Petitioner : Mr.Muralikumaran
for M/s.McGan Law Firm

For Respondents : Mr.T.Pramodkumar Chopda,
Sr. Standing Counsel

ORDER

Petitioner has filed the present writ petition seeking for the issuance of a mandamus to direct the respondents 1 and 2 to consider and dispose of her representation dated 30.06.2015 within a time frame.

2.It is the case of the petitioner that her great grandfather was the owner of various properties in Vellore and after the demise of her grandfather, his four sons inherited the estate and the petitioner's grandfather viz., the fourth son had two daughters, who is none other than the mother of the petitioner and her elder sister. According to the petitioner, the properties allotted to her mother's share belong to them and they did not belong to any Trust. In the Arabic College run by the petitioner's family, her brother-in-law was appointed as Principal. Since her brother-in-law and his sons are attempting to grab the properties, the petitioner submitted representations to the District Collector and other authorities on various dates. The petitioner also submitted a representation dated 30.06.2015 to the respondents stating that the exemption granted by the Income Tax Department is misused by Khanqha E Hazarath Qutb E Vellore Hazrath Makkan. Since no action has been taken on the said representation, the petitioner is before this Court with this writ petition.

3.Heard the learned counsel for the petitioner and the learned senior standing counsel for the respondents.

4.Pointing out the misuse of exemption granted under Section 12 A of the Income Tax Act, the petitioner submitted a representation dated 30.06.2015 and the same is yet to be considered.

5.Learned senior standing counsel appearing for the respondents would submit that the representation dated 30.06.2015 was sent on 08.08.2015 and received by the respondents on 11.08.2015 only and also submitted that the same will be disposed of on merits and in accordance with law. The said submission made by the learned counsel for the respondents is recorded.

6.Considering the limited relief sought for by the petitioner, without going into the merits of the case, the respondents are directed to consider the representation of the petitioner dated 30.06.2015 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Deputy Director of Income Tax
   Exemptions II,
   Annexe Building, Aayakar Bhawan,
   Nungambakkam, Chennai - 34.

2. The Income Tax Officer (OSD),
   Exemptions - III, Annexe Building,
   Aayakar Bhawan, Nungambakkam,
   Chennai - 34.

1 CC to M/s.McGan Law Firm, Advocate SR.No. 48888

1 CC to Mr.T.Pramodkumar Chopda, Advocate SR.No. 48669

W.P.No.26322 of 2015

TM (CO)
PSI (30.09.2015)