

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.08.2015
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.26706 to 26710 and 26773 of 2015
and connected MPs

K.Suresh [Petitioner in W.P.Nos.26706 to 26710/15]
Ponmani Suresh [Petitioner in W.P.No.26773/15]

-vs-

- 1 The Dy. Commr. of Income Tax
O/o the Deputy Commissioner of Income Tax
Non Corporate Circle -2
Room No.320, III Floor,
Wanaparthi Block
21 M.G.Road,
Nungambakkam Chennai 34
- 2 The Commissioner of Income Tax (Appeals)
O/o The Commissioner of Income Tax (Appeals)-II
No.121 M.G. Road Nungambakkam
Chennai 34 [Respondents]

Writ Petition Nos.26706 to 26709/15 filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus to call for the records pertaining to the order in DCIT/N.C.C-2/STAY/AOBPS4696F/ 2015-16 dated 11.5.2015 passed by the 1st respondent and consequential recovery proceedings initiated against the petitioner for PAN: AOBPS4696F/2015-16 dated 10.8.2015 and 17.8.2015 and quash the same as arbitrary and direct the 2nd respondent to dispose the appeal filed by the petitioner within the time framed by this Honourable court

Writ Petition No.26710/15 filed under Article 226 of the Constitution of India to issue a Writ of mandamus to direct the 2nd respondent to dispose the appeal dated 11/4/14 filed by the petitioner within the time framed by this Honourable Court.

Writ Petition No.26773/15 filed under Article 226 of the Constitution of India to issue a Writ of certiorarified mandamus to call for the records pertaining to the order in DCIT/N.C.C-2/STAY/AALPP7516R/ 2015-16 dated 6.5.2015 passed by the 1st respondent and consequential recovery proceedings initiated against the petitioner for PAN: AALPP7516R/2015-16 dated 10.8.2015 and 17.8.2015 and quash the same as arbitrary and direct the 2nd respondent to dispose the appeal filed by the petitioner within the time framed by this Honourable court

For Petitioners : Mr.K.Ravi
For Respondents : Mr.T.Pramod Kumar Chopda,
Sr.Standing Counsel

C O M M O N O R D E R

Heard the learned counsel for the petitioners and Mr.T.Pramod Kumar Chopda, learned Senior Standing Counsel, who took notice for the respondents and with their consent, the main writ petitions are taken up for disposal.

2. The petitioners have come forward with these writ petitions challenging the orders passed by the 1st respondent dated 11.05.2015 and 06.05.2015 respectively and the consequential recovery proceedings initiated against the petitioners by proceedings dated 10.08.2015 and 17.08.2015 and to direct the 2nd respondent to dispose of the appeals filed by the petitioners within a time frame.

3. The learned counsel for the petitioners submitted that as against the orders of assessment for the respective assessment years passed by the 1st respondent, the petitioners filed appeals along with stay applications before the 2nd respondent and the same are pending. In the meanwhile, the recovery proceedings are initiated as against the petitioners and the bank account of the petitioners are also attached by proceedings dated 17.08.2015. Hence, the petitioners are before this Court.

4. The learned Senior Standing Counsel appearing for the respondents, submitted that the applications for stay can be moved before the Jurisdictional Commissioner of Income Tax by the petitioners and on such filing of stay applications, the Jurisdictional Commissioner of Income Tax may be directed to dispose of the same.

5. In view of the above submission made by the learned Senior Standing Counsel appearing for the respondents, the petitioners are directed to move stay applications within a period of two weeks from today before the Jurisdictional Commissioner of Income Tax, who shall receive the same and pass appropriate orders on merits and in accordance with law as expeditiously as possible. Till such orders are passed, the orders attaching the respective bank accounts of the petitioners shall be kept in abeyance and the petitioners are permitted to operate their bank accounts.

The writ petitions are disposed of accordingly. No costs.
Connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

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Dy. Commr. of Income Tax
O/o the Deputy Commissioner of Income Tax
Non Corporate Circle -2
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Wanaparthi Block
21 M.G.Road,
Nungambakkam Chennai 34

2

The Commissioner of Income Tax (Appeals)
O/o The Commissioner of Income Tax (Appeals)-II
No.121 M.G. Road Nungambakkam
Chennai 34

+2 ccs to Mr.K.ravi, Advocate, sr.45757 & 45758

+2 ccs to Mr.T.Pramod Kumar Chopda, Advocate, sr.45561 & 45562

W.P.Nos.26706 to 26710 and 26773 of 2015

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