IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23986 of 2003

KHANGHA-E-HAZRATH QUTB-E- VELLORE [PETITIONER]
BY HIGH PRIEST
ALA HAZRATH MOULVI SYED SHAH-
MOHAMED OSMAN QUADRI
HAZRATH MAKKAM
21, 25, BANGALORE ROAD
VELLORE 632 004

Vs

1 GOVERNMENT OF INDIA
BY COMMISSIONER OF INCOME TAX
CENTRAL I,
108 MAHATMA GANDHI ROAD
CHENNAI-34

2 ASST COMMISSIONER OF INCOME TAX
CENTRAL CIRCLE I (4)
108 MAHATHMA GANDHI ROAD
CHENNAI-34

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus to call for the records relating to the order dated 20.02.2003 passed by the Commissioner of Income Tax (Central)-I in C.No.1542/10/S & S/1997-1998/C1 and quash the said order and direct the 1st respondent to quantify the loss of cumulative interest till date that the petitioner Institution has sustained due to the failure of pubic duty on the part of the Income Tax Department for not having directed the Banks at Vellore to transfer all the Saving Bank Accounts and current Accounts which Institution had, to Fixed Deposits Accounts pursuant to the proceeding of the Commissioner of Income Tax Central II dated 18.12.86 made in C.No.1772/13/86/CENT II and pay such damages quantified to the petitioner Institution represented by High Priest.

For Petitioner : Mr.Anand Gopalan for
M/s T.S.Gopalan & Co.
For Respondents : Mr.T.Pramod Kumar Chopda, SSC

O R D E R

Heard the learned counsel for the petitioner and the learned Senior Standing Counsel for the respondents.

2. Though the writ petition is filed questioning the proceedings of the 1st respondent dated 20.02.2003 and for a direction to the 1st respondent to quantify the loss of cumulative interest till date that the petitioner Institution has sustained due to the failure of pubic duty on the part of the Income Tax Department for not having directed the Banks at Vellore to transfer all the Saving Bank Accounts and current Accounts which Institution had, to Fixed Deposits Accounts pursuant to the proceeding of the Commissioner of Income Tax Central II dated 18.12.86 made in C.No.1772/13/86/CENT II and pay such damages quantified to the petitioner Institution represented by High Priest, when the matter is taken up for hearing, learned counsel for the petitioner submitted that it would suffice if a direction is given to the respondent department to send a communication to the banks with regard to missing of fixed deposit receipts seized by the Income Tax Department from the premises of the petitioner, so as to enable the petitioner to get back the deposited amounts as well as raising the order of attachment effected.

3. The learned Senior Standing Counsel appearing for the respondents would submit that no amount is due to the department and no amount is recoverable from the petitioner and hence there is no need for the fixed deposits made by the petitioner. The learned Senior Standing Counsel also fairly submitted that the department would communicate the same within 3 weeks to the respective banks so also the fact of missing of fixed deposit receipts which were seized from the premises of the petitioner during the course of search on 15.03.1986.

4. Recording the said submission made by the learned Senior Standing Counsel for the respondents, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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+1 cc to M/S.T.S.Gopalan Advocate sr.53031
+1 cc to Mr.T.Pramodkumar Chopda, Senior Standing counsel for Income Tax vide sr.53147

W.P.No.23986 of 2003

gj(co)
aa13/10/2015