

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.12181 of 2016 and
W.M.P.No.10525 of 2016

T.Nallathambi

... Petitioner

Vs.

1. The Income Tax Officer,
Non Corporate Ward 19(1),
121, Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

2. The Commissioner of Income Tax (Appeals)-12,
121, Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the 2nd respondent to dispose of the appeal preferred by the petitioner before him within a specified time frame.

For Petitioner : Mr.N.V.Balaji
For Respondents : Mr.P.Raj Kumar Jabhack,
for Mr.T.Pramod Kumar Chopda,
Standing Counsel

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus to direct the 2nd respondent to dispose of the appeal preferred by the petitioner within a specified time frame.

2.Mr.N.V.Balaji, learned counsel appearing for the petitioner submitted that the petitioner preferred an appeal before the 2nd respondent and also filed a stay petition on 15.03.2016 before the 1st respondent. However, the 1st respondent has not passed any orders till date. Further, the learned counsel submitted that the petitioner is a salaried employee of Integral Coach Factory, Chennai, therefore, his only source of

income is the salary received from the employer. The learned counsel further submitted that the 2nd respondent may be directed to dispose of the appeal preferred by the petitioner and the 1st respondent may be directed to decide the stay petition within a time frame.

3.Mr.P.Raj Kumar Jabhack for Mr.T.Pramod Kumar Chopda, learned counsel taking notice for the respondents submitted that the 2nd respondent may be directed to dispose of the appeal and the 1st respondent may be directed to dispose of the stay petition within a time frame in accordance with law.

4.Having regard to the submissions made by the learned counsel on either side, taking into consideration the limited prayer sought for in the Writ Petition, without expressing any opinion with regard to the merits of the case, I direct the 2nd respondent to dispose of the appeal preferred by the petitioner, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order. I also direct the 1st respondent to dispose of the stay petition filed by the petitioner, on merits and in accordance with law, within ten days from the date of receipt of a copy of this order.

5.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

va

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Income Tax Officer,
Non Corporate Ward 19(1),
121, Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.
2. The Commissioner of Income Tax (Appeals)-12,
121, Mahatma Gandhi Road,
Nungambakkam,
Chennai - 600 034.

+ 1 cc to M/s.N.V.Balaji, Advocate, SR 20263

+ 1 cc to M/s.T.Pramod Kumar Chopda, Advocate, SR 20067

sns(co)

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