

In the High Court of Judicature at Madras

Dated : 15.6.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.30293 of 2003

Mrs.Usha Sashidharan

...Petitioner

Vs

1.The Deputy Commercial Tax Officer,
Purasawalkam Assessment Circle,
Chennai-108.

2.The Commercial Tax Officer,
Purasawalkam Assessment Circle,
Chennai-108.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents, their men, agents, servants or any one claiming under them from in any way attaching the properties viz (1) house, ground and premises bearing door No.201, Purasawalkam High Road, Chennai-7 and (2) house, ground and premises bearing door No.17, Solaiamman Koil Street, Chennai-7.

For Petitioner : Mr.M.Ganesan

For Respondents : Mr.S.Kanmani Annamalai, AGP

ORDER

This writ petition has been filed seeking a direction to forbear the respondents from attaching the properties in question, in which, the petitioner claims 50% undivided share.

2. Admittedly, the petitioner is not an assessee on the file of the respondents. At the time when the writ petition was filed, on 31.10.2003 in WMP.No.36998 of 2003, this Court passed the following order :

"Interim injunction only with respect to attachment of the petitioner's property. But this will not be construed as an order of injunction restraining the Authorities from attaching the assessee's property including his share in any one of the properties."

It was subsequently made absolute on 3.3.2004 to the extent that no attachment could be made in respect of the undivided share of the petitioner pertaining to two properties.

3. There is no material placed before this Court to show as to what subsequent action has been taken by the Department. This Court is not inclined to disturb the status quo.

4. Accordingly, the writ petition is disposed of leaving it open to the respondent Department to proceed against the defaulting assessee in accordance with law. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Deputy Commercial Tax Officer, Purasawalkam Assessment Circle,
Chennai-108.

2.The Commercial Tax Officer,Purasawalkam Assessment Circle,Chennai-108.

+1cc to the Special Government Pleader Sr.33339

WP.No.30293 of 2003

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srg 24/06/2016

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