

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.7.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.23605 of 2016

B.Purushothaman

... Petitioner

versus

The Income Tax Officer
Non-Corporate Ward 10(3)
No.617 6th Floor
New Block No.121
M.G.Road Chennai-34.

... Respondent

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus Calling for the records of the respondent pertaining to its Demand Notice dated 13.6.2016 in 10(3) -2016-2017 and quash the same and further direct the respondent from making further demands.

For petitioner : Mr.P.V.Sudhakar

For respondents : Mr.M.Swaminathan,
Standing Counsel,
for Income Tax Department

O R D E R

Heard Thiru.P.V.Sudhakar, learned counsel for the petitioner and Thiru.M.Swaminathan, learned counsel for the respondent.

2. With the consent of either side, the Writ Petition itself is taken up for disposal.

3. The petitioner has filed this Writ Petition challenging the proceedings of the respondent dated 13.6.2016, by which the petitioner's request for grant of stay has been rejected by the respondent.

4. The learned counsel for the petitioner submitted that the respondent has erroneously directed the petitioner to pay 15% of the demand to consider his stay application, which is beyond the authority of the respondent.

5. The learned Standing counsel for the respondent/Department, clarified that the petitioner is trying to misinterpret the impugned order and the impugned order would

mean that if the petitioner pays 15% of the amount demanded, then the order regarding remaining amount would be stayed. In my view, there is no error in the impugned order nor in the exercise of discretion by the respondent. Hence the Writ Petition fails and the same is dismissed.

6. The learned counsel for the petitioner submitted that the petitioner's Bank account has been attached. On remittance of 15%, as directed in the impugned order, the attachment shall forthwith be lifted.

7. The Writ Petition is dismissed with the above observation. No costs. Consequently, W.M.P.No.20220 of 2016 is also dismissed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

tar

To

The Income Tax Officer
Non-Corporate Ward 10(3)
No.617 6th Floor
New Block No.121
M.G.Road Chennai-34.

+1cc to Mr.V.Anand, Advocate, S.R.No.38291

+1cc to Mr.M.Swaminathan, Standing Counsel, S.R.No.38252

सत्यमेव जयते

W.P.No.23605 of 2016

RSK(CO)

CA(12/07/2016)

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