

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.No.35275 of 2016
and WMP.No.30388 of 2016

M/s.Mayuri Marketing,
Rep by its Proprietarix,
F-7, Golen Jubilee Apartments,
Anna Main Road, K.K.Nagar [W],
Chennai-78.

Petitioner

Vs

The Assistant Commissioner [CT],
K.K.Nagar Assessment Circle,
West Mambalam,
Chennai-33.

Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the proceedings of the respondent in Pdl.178/2016/A2 dated 10.08.2016 and quash the same.

For Petitioner : Mr.C.Bakthasiromoni
For Respondent : Mr.K.Venkatesh, GA

ORDER

Heard Mr.C.Bakthasiromoni, learned counsel for the petitioner and Mr.K.Venkatesh, learned Government Advocate appearing for the respondent.

2. At the first blush, on perusal of the impugned order, it appears that the respondent has collected sufficient material to show that the petitioner was not carrying on business and therefore, the cancellation was done by issuing a notice through e-mail. On a close scrutiny and after the learned Government Advocate got instructions from the respondent, it is evident that the respondent has adopted a standard format and it appears

that he has sent similar notices through e-mail to several dealers.

3. If that is correct, then the action of the respondent has to be deprecated in this case. The petitioner has produced proof to show that they have filed monthly returns for the month of May 2016 via online. If such is the factual position, the impugned order is arbitrary and illegal. Accordingly, the Writ Petition is allowed and the impugned order passed by the respondent in Pdl.178/2016/A2 dated 10.08.2016 is quashed and the respondent is directed to forthwith restore the petitioner's licence. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gya

To
The Assistant Commissioner [CT],
K.K.Nagar Assessment Circle,
West Mambalam,
Chennai-33.

+1 cc to M/s.C.Bakthasiromani Advocate sr 58118

+1 cc to Special Government Pleader sr 577729

सत्यमेव जयते

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