

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.6178 of 2017

A.Selvaraj

...Petitioner

Vs.

1.The Principal Commissioner
of Income Tax, Central2,
Chennai - 600 034.

2.The Assistant Commissioner of Income Tax,
Circle-III,
Coimbatore.

....Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Mandamus to direct the 1st respondent to return the sale deed Doc.No.1850/2011, the General Power of Attorneys bearing Doc.No.782/2008 and Doc.No.783/2008 registered before SRO, Singanallur immediately.

For Petitioner

....

Mr.R.Gandhi

Senior Counsel

for Mr.N.Ponraj

For Respondent

....

Mr.T.Pramod Kumar Chopda,

Standing Counsel for I.T.

O R D E R

Mr.Pramod Kumar Chopda, learned Standing Counsel takes notice for the respondents and by consent of the parties, the writ petition itself is taken up for final disposal.

2. Heard Mr.R.Gandhi, learned senior counsel appearing for the petitioner and Mr.Pramod Kumar Chopda, learned Standing counsel appearing for the respondents.

3. The petitioner seeks for a Mandamus to direct the 1st respondent to return the sale deed Doc.No.1850/2011, the General Power of Attorneys bearing Doc.No.782/2008 and Doc.No.783/2008 registered before the Sub Registrar Office, Singanallur.

4. It appears that those documents along with others were seized by the Department at the time of search of the

petitioner's son's premises. Now the petitioner seeks for the release of those documents. To that effect, the petitioner has also made a request through representation dated 22.02.2017. Therefore, it is for the 1st respondent to consider such request and pass orders on the same on merits and in accordance with law.

5. Learned senior counsel appearing for the petitioner submitted that the documents which are sought to be released through the said representation are nothing to do with the seizure already made and therefore, there will not be any impediment for the Department to release those documents.

6. Learned counsel appearing for the respondents submitted that the representation of the petitioner will be considered and appropriate orders will be passed within a period of seven days in view of the urgency expressed by the petitioner in his representation.

7. This Court, at this stage, is not expressing any view on the claim made by the petitioner, as his application dated 22.02.2017 has to be considered by the 1st respondent. Accordingly, the writ petition is disposed of, by directing the 1st respondent to consider the said application and pass orders on the same on merits and in accordance with law, after giving due opportunity of personal hearing to the petitioner. Such exercise shall be done by the 1st respondent within a period of 7 days from the date of receipt of a copy of this order. The petitioner shall appear before the 1st respondent on 17.03.2017. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1.The Principal Commissioner
of Income Tax, Central02,
Chennai - 600 034.
- 2.The Assistant Commissioner of Income Tax,
Circle-III,
Coimbatore.

+1cc to N. Ponraj, Advocate Sr. 15759

+1cc to Mr.T. Pramod Kumar Chopda, in 15714

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SKS (CO)
Vr(14/03/2017)