

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.10420 of 2017

K.K.Rajendran

.. Petitioner

Vs

1. The Commissioner,
Commercial Taxes Department,
Ezhilagam, Chennai - 600005.
2. The Assistant Commissioner,
Commercial Tax Department,
Korattur Circle,
Yadhaval Street,
Padi, Chennai -600050.
3. Pon Singh
4. The District Collector,
Tiruvallur District-602 001.
5. The Tahsildar,
Ambatur Taluk, Ambattur,
Chennai - 600 053.

(R-4 & R-5 are impleaded as per order of this
Court dated 25.04.2017 in W.P.No.10420/2017)

.. Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the first and second respondents to remove hardware materials and allied trade goods stored by the third respondent in the public road - MTH Road, Padi, Chennai-50 and other places not mentioned in the certification of Registration bearing TIN No.33131441828 in violation of Rule 5(C) of Tamil Nadu Value Added Tax Rules 2007 and ensure free flow of traffic in the public road by considering the petitioner's representation dated 19.10.2016.

For Petitioner : Mr.S.Santosh

For Respondents : Mr.K.Venkatesh
Government Advocate for R1 & R2

Mrs.A.Sri Jayanthi
Spl.GP for R4 & R5

ORDER

Heard Mr.S.Santhosh, learned counsel for the petitioner and Mr.K.Venkatesh, learned Government Advocate appearing for the respondents 1, 2, 4 and 5.

2.The petitioner's case is that the third respondent has dumped the construction materials, steel rods etc. in the road margin outside the registered place of business. Therefore, he prays for a direction to the respondents 1, 2, 4 and 5 to take appropriate action.

3.Earlier, the petitioner had moved the Hon'ble First Bench of this Court by way of filing a writ petition in W.P.No.29831 of 2016 designed as a Public Interest Litigation, in which the third respondent herein was impleaded as the seventh respondent. The Hon'ble First Bench, by order dated 29.08.2016, disposed of the writ petition issuing certain directions. The prayer in the present writ petition is, in spite of the directions issued by the Hon'ble First Bench in the above mentioned writ petition, the authorities have not taken any action.

4.In my view, the officers of the Commercial Tax Department cannot redress the grievance of the petitioner and therefore, if the petitioner alleges that the order and direction issued by the Hon'ble First Bench has been violated, it is open to the petitioner to seek for appropriate remedy.

5.With the above observation, the writ petition is closed.
No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KM

To

- 1.The Commissioner,
Commercial Taxes Department,
Ezhilagam, Chennai - 600005.
- 2.The Assistant Commissioner,
Commercial Tax Department,
Korattur Circle, Yadhaval Street,
Padi, Chennai -600050.
- 3.The District Collector,
Tiruvallur District-602 001.
- 4.The Tahsildar,
Ambatur Taluk, Ambattur,
Chennai - 600 053.

+1cc to M/s.S.Santosh, Advocate, S.R.No.46152/2017

+1cc to the Government Pleader, S.R.No.46268/2017



W.P.No.10420 of 2017

AR(CS IV)
CU(12/07/2017)

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