

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

W.P.No.12825 of 2014

and W.P.No.2 of 2014

and W.M.P.Nos.4052, 8319 and 33521 of 2016

State Bank of India

Stressed Assets Management Branch,

No.1112, 1st Floor, Raja Plaza,

Avnashi Road, Coimbatore - 641 037.

Rep. By its Assessment General Manager.

... Petitioner

vs.

1.The Commercial Tax Officer,
Office of the Commercial Tax,
Musiri, Tiruchi District.

2.M/s.Sri Vasavi Spinning Mills,
Rep. By its Partners,
No.85/2, Thuraiyur Road,
Musiri, Tiruchi District.

3.Mrs.P.Geethalakshmi

4.Mr.S.Purushothaman

5.Mr.S.Gopinath
[R5 impleaded as per Order
dated 26.03.2016 made in
M.P.2/2015 in W.P.No.12825/2014

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified Mandamus, call for the records and quash the impugned notice passed in Na.Ka.1368/2013/A3 dated 28.03.2014 by the first respondent and consequently directing the first respondent to raise an attachment order effected on the property belonging to the third and fourth respondents as morefully described in the impugned notice dated 28.03.2014.

For Petitioner : Mr.S.Sethuraman

For Respondents : Mr.Kanmani Annamalai,
Additional Govt. Pleader (T)
for R1.
No Appearance for R2 to R5

O R D E R

1. The substantive prayer made in the writ petition is as follows:

"..... to call for the records and quash the impugned notice passed in Na.Ka.1368/2013/A3, dated 28.03.2014, by the first respondent and consequently, directing the first respondent to raise an attachment order effected on the property belonging to the third and fourth respondents as more fully described in the impugned notice dated 28.03.2014....."

2. To be noted, the impugned notice dated 28.03.2014, was issued by respondent No.1, i.e., Sales Tax Department for auctioning the subject property.

3. I am informed by the counsel for the petitioner as well as the respondent No.1, i.e., Sale Tax Department, that the auction did not fructify.

4. In these circumstances, counsel for the petitioner says that since the petition has been rendered infructuous, he has instructions to withdraw the petition.

5. The petition is, accordingly, dismissed as withdrawn. Consequently, the interim order shall stand vacated. Needless to say, this will not come in the way of respondent No.1, i.e, the Sales Tax Department, taking appropriate proceedings, as it may be empowered to under the extant provisions of law. There shall, however, be no order as to costs. Resultantly, the connected applications are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsm

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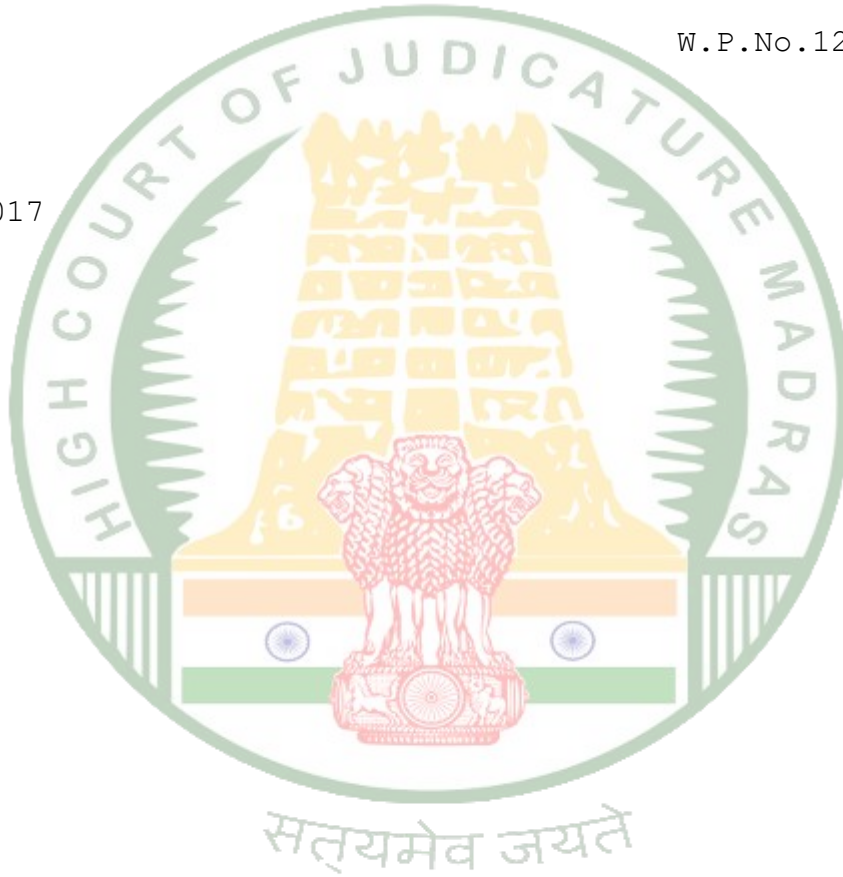
To

The Commercial Tax Officer,
Office of the Commercial Tax,
Musiri, Tiruchi District.

+2 ccs to M/s.S.Sethuraman Advocate sr 1331/17
+1 cc to M/s.Special Government Pleader Tax sr 1163/17

W.P.No.12825 of 2014

cnr(co)
aa09/02/2017



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