

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9/8/2017

C O R A M

The Honourable Mr. Justice S. Manikumar
a n d
The Honourable Ms. Justice V. Bhavani Subbaroyan

Writ Petition No. 12343 of 2003

M/s. Sree Jeya Soundharam Textile
Mills Private Ltd
Perungudi Village
Madugapatti
Sivaganga District. ... Petitioner

Vs

1. The Commercial Tax Officer
Sivagangai.
2. The State of Tamil Nadu
rep. By the Secretary to Government
Department of Commercial Taxes and
Religious Endowments
Fort St. George
Chennai 600 009.
3. The Tamil Nadu Taxation Special
(Tribunal)
rep. By its Registrar
Singaravelar Maligai
Rajaji Salai
II Floor
Chennai 600 001. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of certiorarified mandamus, to call for the records on the files of the third respondent in O.P.No.26 of 2003 dated 04.02.2003 and quash the same declaring that the words "The dealer who does not have any branch transfer (or) consignment transfer during the year" occurring in Notification No.II(i) CT & RE 43 (d-2)/98, dated 07.04.1998 and the corresponding words "dealer who does not have any branch transfer (or) consignment transfer outside the state during the year" occurring in further extended Notification No.II(i)CT/40(a-3)/99 dated 17.03.1999 are ultra vires to Articles 14, 19(1)(g), 301 and 304 of the Constitution of India.

For Petitioner : Mr.P.Rajavelu
for Mr.R.Senniappan

For Respondents : Mr.Kanmani Annamalai,
Additional Government Pleader
(for Taxes)

O R D E R

(Order of the Court was made by S.MANIKUMAR, J.)

Mr.P.Rajavelu, representing the learned counsel on record, seeks permission by this Court, to withdraw the writ petition. He has also made an endorsement to that effect.

2. Recording the same, writ petition is dismissed as withdrawn. No leave as granted, to file a fresh writ petition, on the same cause of action. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mvs

To

1. The Commercial Tax Officer
Sivagangai.
2. The Secretary to Government
State of Tamil Nadu
Department of Commercial Taxes and
Religious Endowments
Fort St. George
Chennai 600 009.
3. The Registrar
Tamil Nadu Taxation Special (Tribunal)
Singaravelar Maligai
Rajaji Salai
II Floor
Chennai 600 001.

+ 1 cc to Mr.R.Senniappan, Advocate, SR.58400

+ 1 cc to The Special Govt.Pleader, SR.57993

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NR 05/09/2017