



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2017

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD).No.4701 of 2017

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Tvl.Jay Trading Company,
No.63/8-A, Shahul Hameedia,
Rice Mill Compound, Ukkadai,
Ariyamangalam, Trichy - 1.

..Petitioner

Vs.

1. The Appellate Deputy Commissioner (CT),
Trichy.
2. The Assistant Commissioner (CT),
Mailamchandai - 1 (Assessment Circle),
Trichy.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in S.P.No. 29/2017 in A.P.No.35/2017, dated 24.02.2017 on the file of the 1st respondent and quash the same as illegal and direct the 2nd respondent to accept the personal bond to be executed by the petitioner in lieu of security.

For Petitioner	: Mr.M.Sankar
For Respondents	: Mr.R.Karthikeyan, Additional Government Pleader

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, calling for the records in S.P.No.29/2017 in A.P.No.35/2017, dated 24.02.2017 on the file of the first respondent and quash the same as illegal and direct the second respondent to accept the personal bond to be executed by the petitioner in lieu of security.

2. Heard the learned counsel appearing for the petitioner and the Additional Government Pleader appearing for the respondents.

3. Mr.R.Karthikeyan, Additional Government Pleader, takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

4. In a similar case, this Court in Writ Petition No.17503 of 2015, dated 29.09.2015 has passed the following order:-

"Considering the submission made by either side, following the order passed in

the Writ petition referred above, the Writ petition is disposed of, with a direction



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to the petitioner to execute a personal bond instead of furnishing bank guarantee, as required by the appellate authority as a condition for grant of stay. Such a personal bond shall be executed within period of two weeks from the date of receipt of a copy of this order. On receipt of the personal bond, the appellate authority is directed to dispose of the appeal on merits. On execution of the personal bond, the stay granted by the appellate authority shall continue till the disposal of the appeal."

5. Considering the nature of grievance expressed by the petitioner in this case, this Court is inclined to follow the order passed in Writ Petition No.17503 of 2015, dated 29.09.2015. Hence this writ petition is also disposed with a direction to the petitioner to execute a Personal Bond instead of furnishing Bank Guarantee or Security Bond, as directed by the first respondent in the impugned order, while granting stay. The petitioner shall execute a Personal Bond within the period of two weeks from the date of receipt of a copy of this order. On receipt of the Personal Bond, the Appellate Authority, namely, the first respondent is directed to dispose of the appeal on merits. Upon execution of the Personal Bond, the stay granted by the Appellate authority shall continue till the disposal of the appeal. No costs.

Sd/-
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Appellate Deputy Commissioner (CT),
Trichy.
2. The Assistant Commissioner (CT),
Mailamchandai - 1 (Assessment Circle),
Trichy.

+1cc to M/S.M.Sankar, Advocate SR.No.16362

+1cc to Special Government Pleader, SR.No.16615

ORDER MADE IN
W.P. (MD) .No.4701 of 2017
21.03.2017