

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

W.P.No.21527 of 2017

Date: 18.12.2017

Between:

Mohd. Idris Khan,
Proprietor of M/s.Deccan Saw Mill,
D.No.9-20-354, Mujahid Nagar,
Bodhan Road, Malapally,
Nizamabad.

...

Petitioner

And

Income Tax Officer,
Ward-1, Nizamabad
and two others.

...

Respondents

Counsel for the Petitioner

:

Mr. Tej Prakash Toshniwal

Counsel for the Respondents

:

Mr. K.Lakshman,
Asst. Solicitor General
for respondent No.3.

Mr.B.Narasimha Sarma
Senior Standing Counsel for
Income Tax Department
for respondents No.1 and 2

The Court made the following:

Order : (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for the following substantial relief:

“to issue a writ of mandamus or any other appropriate writ, order or direction to declare the action of the authorities under the Act, in with holding the books of accounts and documents under Section 133A of the Act, without providing copies of the books of accounts and documents impounded, seized and taken possession on 12.01.2015 by the 1st respondent, is contrary to law and consequently set aside the ex-parte assessment order passed under Section 144 of the Act for the assessment year 2014-15 dated 28.12.2016 by the 1st respondent”.

2. After arguing the case, Mr.Tej Prakash Toshniwal, learned counsel for the petitioner, requested for permission of the Court to withdraw the writ petition, with liberty to his client to file an appeal.

3. Therefore, without expressing any opinion on the merits of the case, the writ petition is dismissed, with liberty to the petitioner to file an appeal, if the same is maintainable at this length of time.

4. As a sequel, W.P.M.P.No.26459 of 2017 filed by the petitioner, is dismissed as infructuous.

(C.V.Nagarjuna Reddy, J)

(M.S.K.Jaiswal, J)

Date: 18th December, 2017

msb

