

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018
CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.3263 of 2018 &
W.M.P.No.4005 of 2018

Dr. Chandra Ananthasayanam

.. Petitioner

v.

The Assistant Commissioner of Income Tax
Non Corporation Circle, Range 1
Chennai 600 034

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the impugned Recovery Notice in NCCI/Current Demand/2017-18, dated 06.02.2017 received through registered Post on 12.12.2018 from the files of the Respondent herein and to quash the same.

For Petitioner : Ms.R.Maheswari

For Respondent : Ms.Hema Murali Krishnan
Standing Counsel

ORDER

Ms.Hema Murali Krishnan, learned Standing Counsel, takes notice for the respondent. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petition to issue a Writ of Certiorari to call for the records of the impugned Recovery Notice dated 06.02.2018 (wrongly mentioned as 06.02.2017) received through Registered Post on 12.02.2018 (wrongly mentioned as 12.12.2018) on the file of the respondent and to quash the same.

3. The learned counsel appearing for the petitioner submitted that the petitioner has filed a Stay Petition before the respondent and the same is pending. However, without passing any order in the Stay Petition, the respondent has passed the impugned notice dated 06.02.2018. Further, the learned counsel submitted that it would suffice to direct the respondent to dispose of the Stay Petition, within a time frame and the impugned notice dated 06.02.2017 may be kept in

abeyance.

4. Ms.Hema Murali Krishnan, learned Standing Counsel appearing for the respondent submitted that the respondent may be directed to dispose of the Stay Petition filed by the petitioner, within a time frame and the impugned notice dated 06.02.2018 may be kept in abeyance.

5. Having regard to the submissions made by the learned counsel on either side, since the Stay Petition filed by the petitioner has not yet been disposed of by the respondent, I direct the respondent to dispose of the Stay Petition filed by the petitioner, within one week from the date of receipt of a copy of this order and the impugned notice dated 06.02.2018 shall be kept in abeyance for a period of two weeks.

With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rkj

To

The Assistant Commissioner of Income Tax
Non Corporation Circle, Range 1
Chennai 600 034

+1cc to Mr.R.Maheswari, Advocate, S.R.No.11191

W.P.No.3263 of 2018 &
W.M.P.No.4005 of 2018

GMR(CO)
RRK(14/02/2018)

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