

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A.Nos.702 and 703 of 2014

Haseenathul Shamima ...Appellant in both appeals

Vs

1.The Tax Recovery Officer - XX
Business Range VII, 121 Nungambakkam High Road,
Chennai - 600 034.

2.The Commissioner of Income Tax,
Chennai. ...Respondents in both Appeals

Prayer:- Writ Appeals filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.Nos.16032 and 16033 of 2005 dated 30.07.2008.

PRAYER IN W.P.Nos.16032 and 16033 of 2005:

Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of writ of Certiorari calling for the records of the case in impugned order No. T.R.182/02-03 & T.R.No.183/03-04 dated 22.3.2005, and T.R.No.376 & 377/00-01 dated 28.01.2005 Respectively passed by the first respondent herein and to quash the said impugned order.

For Appellant : Mr.T.Ramesh (in both appeals)

For Respondent : Mrs.Hema Muralikrishna
(in both appeals)

C O M M O N J U D G M E N T

(Judgment of the Court was delivered by
K.K.SASIDHARAN, J.)

The learned counsel for the appellant made an endorsement indicating that he is withdrawing the intra court appeals with liberty to file civil suit before the appropriate court in accordance with Sub-Clause (6) of Clause (11) of the II Schedule to the Income Tax Act, 1961.

2. In view of the endorsement so made, nothing survives for adjudication in these intra court appeals.

3. The appellant has been prosecuting the proceedings initiated by the Income Tax Department by filing writ petitions originally and thereafter writ appeals. In view of the pendency of the proceedings before this Court, we give liberty to the appellant to file civil suit before the appropriate Court. In case, any such civil suit is filed within a period of 30 days from today, the same shall be entertained by the Civil Court without rejecting it on the ground of limitation.

4. The intra court appeals are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Tax Recovery Officer - XX
Business Range VII
121 Nungambakkam High Road,
Chennai - 600 034.

2.The Commissioner of Income Tax,
Chennai.

+1cc to Mr.HEMA MURALIKRISHNAN, Advocate, S.R.No.47414
+1cc to Mr.T.RAMESH, Advocate, S.R.No.46824

W.A.Nos.702 and 703 of 2014

TR(31/07/2018)

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