

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.02.2018

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.2963 of 2018
and W.M.P.No.3617 of 2018

Laboni Collection,
rep. by its Managing Partner,
Thiru.G.Anandkumar,
No.1868, 'I' Block, 26th Street,
Anna Nagar West,
Chennai-600 040. ... Petitioner

Vs.

The Assistant Commissioner (ST),
Dr.J.J.Nagar Assessment Circle,
Chennai-40. ... Respondent

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records of the respondent in TIN/33346318436/2015-16 dated 12.01.2018 and quash the same as arbitrary, illegal.

For Petitioner : Mr.S.Ramanan
For Respondent : Mr.M.Hariharan,
Additional Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorari to call for the records of the respondent dated 12.01.2018 and to quash the same as arbitrary and illegal.

2.It is a case of the petitioner that the petitioner has given a letter dated 03.01.2018 seeking for time to submit their explanation, which was not filed within the stipulated time. Without giving an opportunity to the petitioner to submit their reply, the respondent had passed the impugned order dated 12.01.2018.

3.Mr.M.Hariharan, learned Additional Government Pleader taking notice for the respondent submitted that in the interest of justice, an opportunity may be given to the petitioner to submit their reply and the respondent may be directed to decide the matter afresh, after considering the reply to be submitted by the petitioner.

4.In view of the submissions made by the learned counsel on either side, since the petitioner was not given an opportunity to submit their reply, in the interest of justice, I set aside the order dated 12.01.2018 passed by the respondent and remit the matter back to the respondent for fresh consideration. The petitioner is directed to submit their reply within a period of one week from the date of receipt of a copy of this order and the respondent is directed to pass fresh orders, after considering the reply to be submitted by the petitioner.

5.With the above observations, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

The Assistant Commissioner (ST),
Dr.J.J.Nagar Assessment Circle,
Chennai-40.

+ 1 cc to Mr.S.Ramanan, Advocate Sr.No.13540
+ 1 cc to The Government Pleader Sr.No.10928

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and W.M.P.No.3617 of 2018

KP 28/02/2018

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