

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.01.2019
CORAM
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21795 of 2012

N.Palani

... Petitioner

Vs.

1.The Chief Commissioner of Income Tax
(Chennai - III)

121 Uttamar Gandhi Road,
Nungambakkam, Chennai 600 034.

2.The Tax Recovery Officer (XVI) Range III,
121 Uttamar Gandhi Road,
Nungambakkam, Chennai 600 034.

3.The Commissioner of Police,
Egmore, Chennai - 600 008.

4.The Superintendent of Police,
Central Bureau of Investigation,
Shastri Bhavan
Haddows Road,
Chennai - 600 006.

5.R.Varadarajan

(R5 impleaded as per order
dated 12.10.12 by NPVJ in
MP 1/12 in WP 21795 of 2012)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution
of India seeking to issue a Writ of Mandamus directing the
first respondent,

The Chief Commissioner of Income Tax (Chennai - III) to
forward the complaint dated 25.08.2006 of the Tax Recovery
Officer (XVI) Range III, the second respondent to The
Superintendent of Police Central Bureau of Investigation,
the fourth respondent to take up the investigation and to
complete the investigation as soon as possible.

For Petitioner
For Respondents

: Mr.K.Venkatakrishnan
: Mr.I.Narayanaswamy
for R1 and R2
Mr.Jeyaprakashnarayanan
for R3 and R4

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Mandamus directing the first respondent/ The Chief Commissioner of Income Tax (Chennai - III) to forward the complaint dated 25.08.2006 of the second respondent/ The Tax Recovery Officer (XVI) Range III to the fourth respondent/ The Superintendent of Police, Central Bureau of Investigation to take up the investigation and to complete the investigation as soon as possible.

2.The case of the petitioner is that one Varadharajan is a fake Advocate and the said Varadharajan and his wife have grabbed several properties from several persons and he is one among them. The second respondent has given complaint dated 25.08.2006 as against the said Varadharajan for cheating him in the course of his attempt to deprive one of the petitioner's properties. Thereafter, since there was no progress, the petitioner has filed this writ petition.

3.Perusal of records show that this Court vide order dated 19.11.2018 made in this writ petition has observed that 'if the Department feels that a fresh complaint can be given, the same should be forwarded and officials of both the Income Tax Department and the Commissioner of Police are to file necessary affidavits regarding forwarding of complaint and receipt of complaint respectively.'

4.The learned counsel appearing for the respondents 1 and 2 would submit that since the writ petition was immediately listed, they were not able to file affidavit, however, filed intimation of the complaint which reads as follows:

"CCTNS CITIZEN PORTAL - ONLINE COMPLAINT / INFORMATION
ACKNOWLEDGEMENT

Complaint Reference Number : RCA18113556
Date of Complaint : 14-12-2018 12:53 PM
Complainant Name : AB BALAJI
Complaint To : CHENNAI - CCB
Subject : Forgery
Tax Recovery Officer-3 O/o The Pr.
Commissioner of Income Tax-3
Aayakkar
Contact Information : Bhavan, Nungambakkam, Mobile
No.9445958337,
Email-id:chennai.tro3@incometax.gov.in"

5.Pursuant to the direction of this Court, a fresh complaint was given on 14.12.2018 and the same is pending before the investigating agency.

6.The learned counsel appearing for the petitioner submits that immediately after the online complaint, he was called for enquiry by one Mr.Abraham, Inspector of Police, Central Crime Branch situated in the Commissioner of Police Office.

7.In view of the above, since the complaint is pending before the competent jurisdictional Police Station nothing survives for further adjudication in the writ petition. However, in the interest of justice, this Court directs the third respondent to complete the investigation within a period of three months from the date of receipt of a copy of this order. For ready reference, the petitioner is directed to send a copy of the online complaint.

8.The writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Commissioner of Income Tax
(Chennai - III)
121 Uttamar Gandhi Road,
Nungambakkam, Chennai 600 034.

2.The Tax Recovery Officer (XVI) Range III,
121 Uttamar Gandhi Road,
Nungambakkam, Chennai 600 034.

3.The Commissioner of Police,
Egmore, Chennai - 600 008.

4.The Superintendent of Police,
Central Bureau of Investigation,
Shastri Bhavan
Haddows Road,
Chennai - 600 006.

+1cc to Mr. K.Venkatakrishnan, Advocate SR.No. 8094

+1cc to Mr.I.Narayanaswamy , Advocate SR.No.7819

W.P.No.21795 of 2012

A.SK(20/02/2019)