

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.33475 of 2019

Dhanalakshmi
W/o.Palanisamy

...Petitioner

vs.

The Assistant Commissioner
Commercial Tax Department
Saibaba Colony Circle
Coimbatore.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 28.02.2019 and consequently, direct the respondent to remove the attachment made in the name of some third party in the property belongs to the petitioner measuring an extent of 2187 sq.ft of land and building comprised in T.S.No.1040, 1041/26/1, Ward No.37, T.S.Ward-E, at Tirupur Municipality Limit, Tirupur District.

For Petitioner	:	Mr.K.S.Kaviarasu
For Respondent	:	Mr.V.Haribabu Additional Government Pleader

O R D E R

Mr.V.Haribabu, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner claiming to be the bona fide purchaser of the subject matter property, seeks for removal of attachment effected on the petitioner's property by the respondent/Department by contending that the very purchase by the petitioner was made on 29.08.2008, much earlier to the attachment made in the year 2012. Therefore, the petitioner made a representation on 28.02.2019 to the respondent for removal of the attachment. As the said representation has not

been considered, the present writ petition is filed seeking for a direction to the respondent to consider the said representation and pass orders on the same.

3. Considering the above stated facts and circumstances, without expressing any view on the merits of the claim made by the petitioner, this Writ Petition is disposed of, only by directing the respondent to consider the representation of the petitioner dated 28.02.2019 and pass orders on the same on merits and in accordance with law, after giving due opportunity of hearing to the petitioner. Such exercise shall be done by the respondent within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Assistant Commissioner
Commercial Tax Department
Saibaba Colony Circle
Coimbatore.

+1 cc to M/s.K.S.Kaviarasu, Advocate Sr.No.100034
+1 cc to The Special Government Pleader Sr.No. 100485

AKM/02.01.2020/2P-4C /

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