

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition No.3203 of 2020
and WMP No.3718 of 2020

D.Dilipkumar

.... Petitioner

Vs

- 1.Union of India through its Secretary,
Income Tax Department,
Government of India,
New Delhi.
- 2.Deputy Commissioner of Income Tax,
(Benami Prohibition) and Initiating Officer,
Room No.104, Income Tax Investigation Wing,
1st Floor, No.46, Mahatma Gandhi Road,
Nungambakkam, Chennai - 600 034.
- 3.Additional Commissioner of Income Tax, (BPU)
Directorate of Income (Inv),
1st Floor, No.46, Mahatma Gandhi Road,
Nungambakkam, Chennai- 600 034.
- 4.Adjudicating Authority,
(Under The Prohibition of Benami Property
Transaction Act 1988),
Room No.26, 4th Floor, Jeevan Deep Building,
Parliament Street, New Delhi - 110 001.
- 5.Appellate Tribunal (ATFP),
Ministry of Finance, Department of Revenue,
4th Floor, A Wing, Loknayak Bhawan,
Khan Market, New Delhi.
- 6.Prema Devi
- 7.Shanthilal
- 8.Gautam Chand Jain
- 9.Prakash chand Jain

.... Respondents

PETITION filed under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for records of the Respondent No.3, under file

F.No.267/Shanthilal/AddlCIT (BP)/2018-19 and quash the Order dated 16.01.2019 passed in consequence of Benami Evasion Petition F.No.267/Shanthilal/AddlCIT(BP)/2018-19 DT:27.08.2018 and consequently direct the Respondents 1 to 5 to initiate the Proceedings under Section 24 of PBPTA Act, 1988, on the named person and also issue Informant code and Annexure -A to the petitioner and issue summons to witnesses Mr.Prakashchand (Resp-9) and Mr.Gautamchand (Resp-8).

Petitioner in Person: Mr.D.Dilip Kumar

For Respondents : Mr.A.P.Srinivas,

Senior Standing Counsel for

R1 to R5

O R D E R

The petitioner has filed writ petition No.75 of 2020 with the identical prayer as in this writ petition. That writ petition was dismissed on 22.01.2020 for non prosecution.

2. In the aforesaid circumstances, the present writ petition seeking an identical prayer is hit by the principles of res judicata and is hence dismissed. No costs. Connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkp

To

1.The Secretary, Union of India,
Income Tax Department,
Government of India, New Delhi.

2. The Deputy Commissioner of Income Tax,
(Benami Prohibition) and Initiating Officer,
Room No.104, Income Tax Investigation Wing,
1st Floor, No.46, Mahatma Gandhi Road,
Nungambakkam, Chennai - 600 034.

3.The Additional Commissioner of Income Tax, (BPU)
Directorate of Income (Inv),
1st Floor, No.46, Mahatma Gandhi Road,
Nungambakkam, Chennai- 600 034.

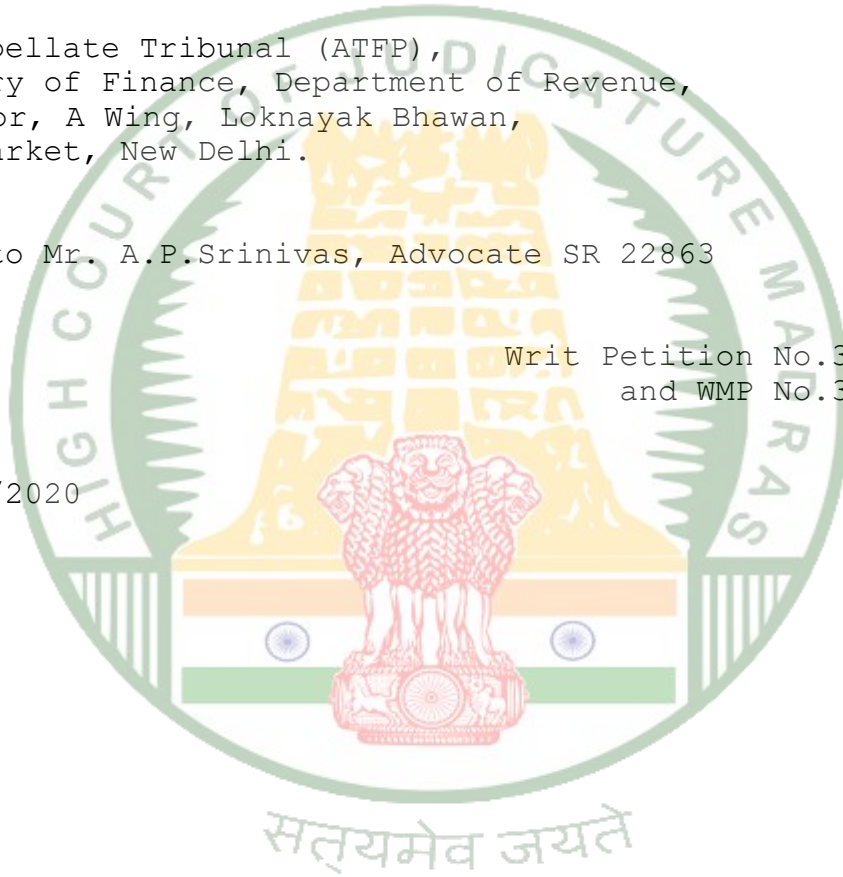
4.The Adjudicating Authority,
(Under The Prohibition of Benami Property
Transaction Act 1988),
Room No.26, 4th Floor, Jeevan Deep Building,
Parliament Street, New Delhi - 110 001.

5. The Appellate Tribunal (ATFP),
Ministry of Finance, Department of Revenue,
4th Floor, A Wing, Loknayak Bhawan,
Khan Market, New Delhi.

+ One CC to Mr. A.P.Srinivas, Advocate SR 22863

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srg 21/07/2020



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