

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2020

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.47461 of 2006
and MP.No.1 of 2006

M/s.Anna Steel Private Limited,
Rep. by its Managing Director,
C.Vijayakumar
No.244, T.H.Road,
Tondiarpet, Chennai. ..Petitioner

-Vs-

The Commercial Tax Officer,
Valluvarkottam Asst. Circle,
Sire Mansion 2nd Floor,
621, Anna Salai,
Chennai - 600 006. ...Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Certiorari calling for the records relating to the proceedings of the respondent in Form B-6 in RC.3834/97/A3 dated 23.11.2006 and to quash the same as arbitrary, unsustainable.

For Petitioner : Mr.M.A.Mudimannan

For Respondent : Mr.A.N.R.Jayaprathap SGP(T)

ORDER

With the consent of both the parties, the Writ Petition is taken up today and heard through video conferencing.

2. The core issue involved in the present Writ Petition is as to whether the Department or SARFAESI proceedings initiated by the Nationalised Bank, would have the first charge over the property of the petitioner. Such an issue is pending consideration before the Hon'ble Supreme Court in SLP.(C)

No.42264 of 2017.

3. It is brought to the notice of this Court that the Hon'ble Apex Court has also passed an interim order directing the parties to maintain status-quo. While that being so, it would not be appropriate for this Court to go into the merits of the issue which is pending consideration before the Hon'ble Supreme Court. However, this Court is of the considered view that if the petitioner is granted liberty to work out his remedy as and when the decision is taken by the Hon'ble Supreme Court, the ends of justice could be secured.

4. In view of the above, both the parties are directed to maintain status-quo as per the order dated 16.03.2018 made in SLP.(C) D.No.20471 of 2017 till a final decision is taken by the Hon'ble Apex Court. Accordingly, the Writ Petition stands closed with liberty to the petitioner to work out his remedy, in accordance with law, subject to the decisions to be taken by the Hon'ble Supreme Court in SLP.(C) No.42264 of 2017. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

DP

To

The Commercial Tax Officer,
Valluvarkottam Asst. Circle,
Sire Mansion 2nd Floor,
621, Anna Salai,
Chennai - 600 006.

+1cc to Special Government pleader, Sr.No.27561

W.P.No.47461 of 2006
and
MP.No.1 of 2006

MG (CO)
GS (23/10/2020)