



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P.No.36955 of 2007
and M.P.Nos.1 & 2 of 2007

1. Mrs.Radha Krishnaswamy
2. K.Sudharsan ... Petitioners

Vs

1. M/s Zen Global Finance Ltd.,
E/434, 21st Cross Street,
Besant Nagar,
Chennai,
Tamil Nadu

2. Shri Hamsheed M.Panday
3. Shri Mathew Sebastian

4. Indian Renewable Energy Development Agencies Ltd.,
Core - 4A, East Court,
I Floor, India Habitat Centre Complex,
Lodhi Road,
New Delhi - 110 003.

5. The Registrar,
Debt Recovery Tribunal I,
Shanskirti Bhavan,
Desh bandhu Gupta Road,
Jhandewalan,
New Delhi - 55.

6. The Recovery Officer,
Debt Recovery Tribunal I,
Shanskirti Bhavan,
Desh Bandhu Gupta Road,
Jhandewalan,
New Delhi - 55 ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration by declaring that the proceedings instituted by the 6th Respondent as against the Petitioners herein under Rule 83 of Schedule II to the "Income Tax Act" 1961 in R.C.No.41/2003 as illegal and unconstitutional and consequently issue a Mandamus by directing the 5th and 6th Respondents herein from not to in any manner bring the house and ground bearing New No.3 (Old No.2) 10th Avenue, Harrington Road, Egmore Village, Shenoy Nagar, Chennai -30 for sale either in public auction or private treaty.



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For Petitioner : Mr.T.T. Ravichander
Mr.Sathish Parasaran
For R4 : Mr.Vijay
for M/s King & Partridge

O R D E R

This writ petition has been filed to declare the proceedings instituted by the six respondent as against the petitioners under Rule 83 of Schedule II to the "Income Tax Act" 1961 in R.C.No.41/2003 as illegal and unconstitutional and directing the respondents 5 & 6 not to in any manner bring the house and ground bearing New No.3 (Old No.2) 10th Avenue, Harrington Road, Egmore Village, Shenoy Nagar, Chennai - 30 for sale either in public auction or private treaty.

2. Today, when the matter was taken up for consideration, the learned counsel appearing for the fourth respondent submitted that subsequent to the filing of this writ petition, the claim of the petitioners was allowed thereby recalling the notice under Rule 83 of Income Tax Act, 1961, vide proceedings in R.C.No.35/2003 and 41/2003 dated 08.02.2008. He has also produced a copy of the said proceedings to that effect.

3.The aforesaid submission has been fairly conceded by the learned counsel for the petitioners.

4.Recording the above, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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1. The Registrar,
Debt Recovery Tribunal I,
Shanskirti Bhavan,
Desh bandhu Gupta Road,
Jhandewalan, New Delhi - 55.
2. The Recovery Officer,
Debt Recovery Tribunal I,
Shanskirti Bhavan, Desh Bandhu Gupta Road,
Jhandewalan, New Delhi - 55

W.P.No.36955 of 2007

PCH (CO) B.VC(23.07.2021)