



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.25641 of 2021

(Through Video Conferencing)

M/s.Mohan Conductors,
Represented by Mr.Padam Chand Chordia,
Proprietor,
163, Mint Street, Chennai - 79. ... Petitioner

Vs

The Commercial Tax Officer,
Now designated as
The Assistant Commissioner (ST),
Sowcarpet I Assessment Circle,
Earlier at 191, NSC Bose Road,
Chennai - 1.
Now at
Integrated Commercial Tax Office Complex
at North Chennai,
Wall Tax Road, Chennai - 3. ... Respondent

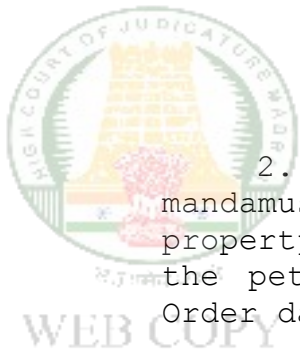
Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to return the original property document requested as per letter dated 18.10.2021.

For Petitioner : Mr.V.Srikanth

For Respondent : Ms.Amirta Poonkodi Dinakaran
Government Advocate

ORDER

Ms.Amirta Poonkodi Dinakaran, learned Government Advocate takes notice on behalf of the respondent.



2. The petitioner has filed this writ petition for a mandamus to direct the respondent to return original of the property document which was given as a security at the time when the petitioner had preferred an appeal against the Assessment Order dated 28.06.1996.

3. It is the case of the petitioner that the petitioner's appeal was partly allowed by the Appellate Commissioner by an order dated 21.06.2000.

4. It is further case of the petitioner that the respondent had preferred an appeal before the Sales Tax Appellate Tribunal (Additional Bench) and by an order dated 08.10.2003, the order of the Appellate Commissioner was set aside.

5. The learned counsel for the petitioner submits that the petitioner had thereafter filed writ petition before this Court in W.P.No.16686 of 2004. The learned counsel for the petitioner further submits that the said writ petition was admitted and interim stay has been granted which was subsequently made absolute.

6. The learned counsel for the petitioner submits that the writ petition is pending disposal. It is submitted that there is an automatic security as far as the property of the petitioner is concerned and therefore the respondent should be directed to return the original property document which was deposited by the petitioner. In this connection, the petitioner has sent several representations which have not evoked any response from the respondent.

7. Considering the fact that the document is with the Department for a predominantly long period of time since 2000, pursuant to the said order of the Appellate Commissioner, this Writ Petition is disposed at the time of admission by directing the respondent to return the original property document to the petitioner within a period of six weeks from the date of receipt of a copy of this order after registering a charge against the property of the petitioner before the Jurisdictional Sub Registrar. This exercise shall be carried out by the respondent within the aforesaid period.

