



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.4088 of 2021

and

W.M.P.(MD).No.3282 of 2021

M.Divankanth

...Petitioner

Vs.

1.The Deputy Commissioner (State Tax)

State Tax Department,
Office of the Deputy Commissioner,
Commercial Tax Buildings (RDO Campus),
North Prathatchanam Road, Karur - 639 001.

2.Selvi.V.Anitha

The Inquiry Officer,
Assistance Commissioner (ST),
Karur - 2 Assessment Circle,
Commercial Tax Building (RDO Campus),
North Prathatchanam Road,
Karur - 639 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to provide an opportunity to the petitioner for cross examination of individuals before passing final order based on the incomplete inquiry report submitted by the 2nd respondent, considering his representation dated 11.02.2021.

For Petitioner : Mr.R.Sevugaraja

For Respondents : Mrs.J.Padmavathi Devi for R1
Special Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.Since the petitioner's request to the respondents to provide an opportunity to the petitioner for cross examination of individuals before passing final order based on the incomplete inquiry report submitted by the 2nd respondent, was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 11.02.2021, which is still pending.



3.The learned Special Government Pleader on instructions would submit that the Inquiry Officer is willing to permit the petitioner to cross examine the witnesses once again.

4.In the light of the submission made by the learned Special Government Pleader, there shall be a direction to the respondents to consider the petitioner's representation, dated 11.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Deputy Commissioner (State Tax)
State Tax Department,
Office of the Deputy Commissioner,
Commercial Tax Buildings (RDO Campus),
North Prathatchanam Road, Karur - 639 001.

2.Selvi.V.Anitha
The Inquiry Officer,
Assistance Commissioner (ST),
Karur - 2 Assessment Circle,
Commercial Tax Building (RDO Campus),
North Prathatchanam Road, Karur - 639 001.

+1CC to THE SPECIAL GOVERNMENT PLEADER(SR-9171[F] dated 05/03/2021)

Order made in
W.P. (MD) No.4088 of 2021 and
W.M.P. (MD) .No.3282 of 2021
02.03.2021

SGS (CO)

SRS (16/03/2021) 2P : 4C

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