



*W.P.No.7899 of 2020
and WMP.No.9332 of 2020
in W.P.No.7899 of 2020*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM

THE HON'BLE Mr.JUSTICE **M.SUNDAR**

W.P.No.7899 of 2020
and
WMP.No.9332 of 2020
in
W.P.No.7899 of 2020

M/s.ShubhamVihar Pvt Ltd.,
Represented by its Authorised Signatory
Mr.Nawal Kishore,
having registered office at
MARG AXIS, 4/318,
Old Mahabalipuram Road,
Kottivakkam, Chennai-600 041.

... Petitioner

-Vs.-

1. The Adjudicating Authority,
Under The Prohibition of Benami Property Transactions Act, 1988
Room No.26, 4th Floor,
Jeevan Deep Building, Parliament Street,
New Delhi.
2. Deputy Commissioner of Income Tax (Benami Prohibition),
Room No.104, 1st Floor,
Income Tax Investigation Wing Building,
108 M.G.Road, Nungabakkam,
Chennai-600 034.

... Respondents



*W.P.No.7899 of 2020
and WMP.No.9332 of 2020
in W.P.No.7899 of 2020*

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records on the file of the 1st respondent in Ref No.R-1033/2018 and quash the impugned order dated 28.08.2019 passed under Section 24(5) of the Prohibition of Benami Property Transactions Act, 1988 as illegal, arbitrary and without jurisdiction.

For Petitioner : Mr.Veerabathran Prasanth

For Respondents : Ms.M.Sheela
Special Public Prosecutor (Income Tax)

ORDER

Mr.Veerabathran Prasanth, learned counsel on record for the writ petitioner submits that identical matters were disposed of by a Hon'ble Single Judge, the batch was carried in appeal by way of intra-Court appeals vide WA.Nos.1682 of 2021 etc., batch, Hon'ble Division Bench reversed order of Hon'ble Single Judge, the matter was further carried to Hon'ble Supreme Court vide SLP(C) No.5631 of 2022 and Hon'ble Supreme Court relegated the matters to the Appellate Authority. Learned counsel submits that writ petitioner is also now before the Appellate Authority. Saying so, learned



*W.P.No.7899 of 2020
and WMP.No.9332 of 2020
in W.P.No.7899 of 2020*

WEB COPY

counsel seeks leave of this Court to withdraw captioned writ petition and makes a further plea that all the rights and contentions of the writ petitioner may please be preserved for pursuing before the Appellate Authority.

2. In the light of the trajectory the matter has taken, request acceded to.

3. Sequitur of the narrative thus far is, captioned writ petition is disposed of as closed/withdrawn albeit preserving the rights of the writ petitioner to the extent set out supra. Consequently, connected 'Writ Miscellaneous Petition' ['WMP'] is closed. There shall be no order as to costs.

06.12.2022

Speaking/Non-speaking order

Index: Yes/No

kmi

1. The Assistant Commissioner (ST),
Ambattur Industrial Estate Assessment Circle,
Anna Nagar, Chennai.
2. Deputy Commissioner (ST) (FAC)
GST-Appeal, Chennai-II,
Chennai-600 006.



WEB COPY



*W.P.No.7899 of 2020
and WMP.No.9332 of 2020
in W.P.No.7899 of 2020*

M.SUNDAR, J

kmi

W.P.No.7899 of 2020
and WMP.No.9332 of 2020
in W.P.No.7899 of 2020

06.12.2022