



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.04.2022

Coram:

THE HONOURABLE MR. JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Appeal No.1287 of 2022
and
CMP.Nos.8110 and 8111 of 2022

M/s.Prem Automobiles,
Represented by its Proprietor,
Pinkesh Jain,
No.7, Kamaraj Salai,
Puducherry - 605 011.

...Appellant

Versus

Deputy Commercial Tax Officer - GDII
100 Feet Road, Ellaipillaichavadi,
Puducherry - 605 005.

...Respondent

Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed by the learned Judge in W.P.No.9643 of 2022 dated 20.04.2022.

Prayer in W.P.No.9643 of 2022:

Writ Petition under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus directing the Respondent to allow the petitioner inspect and obtain copies of the documents/materials pertaining to the proceedings of Show Cause Notice both dated 19.03.2018 issued from files No.1/CTD/Enfo.and IW/2017-18 for the year 2016-17 and No.1/CTD/Enfo. and IW/2017-18 for the year 2017-18.



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For Appellant :Mr.Rajendran
for Mr.M.Ramamoorthi

For Respondent :Mr.J.Kumaran,
Additional Government Pleader
(Puducherry)

JUDGMENT

(Judgment of the Court was delivered by R.MAHADEVAN, J.)

This Writ Appeal arises out of the adjudicatory order dated 20.04.2022 passed by the learned Judge in W.P.No.9643 of 2022, which is extracted below, for the sake of clarify:

"Mr.J.Kumaran, learned Additional Government Pleader (Puducherry) accepts notice on behalf of the respondent. He submits that within a week period final orders would be passed and report before this Court.

2. Post the matter on 27.04.2022."

2.It is the grievance of the appellant / writ petitioner that the authority has not furnished the documents sought by the appellant nor has the authority even permitted the inspection of the documents and hence, the adjudicatory order of the learned Judge is contrary to law, against the facts and circumstances of the case and in violation of the principles of natural justice.

3.On the other hand, the learned Additional Government Pleader (Puducherry) appearing for the respondent, on instructions, submitted that the authority concerned has already passed the final order on 25.04.2022 and for production of the order copy only, the writ petition stood adjourned to 27.04.2022, by the learned Judge. Thus, according to the learned counsel, the order impugned in the writ appeal, is nothing but a direction issued for production of the order copy passed by the authority concerned.

4.In reply, the learned counsel for the appellant sought liberty to the appellant to challenge the final order passed by the authority concerned in the manner known to law.



5. In view of the above, this writ appeal is dismissed as infructuous, granting such liberty to the appellant. No costs. Consequently, connected miscellaneous petitions are closed.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mrr
To

The Deputy Commercial Tax Officer - GDII
100 Feet Road, Ellaipillaichavadi,
Puducherry - 605 005.

Copy to

The Section Officer,
Writ Section,
High Court, Madras-104.

+1cc to Mr.M.Ramamoorthy, Advocate Sr.30237
+1cc to the Government Pleader Sr.30563

W.A.No.1287 of 2022

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srg 12/05/2022