

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.06.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.15791 of 2022

T.S.Palanivelu

...Petitioner

Vs.

1.The Joint Director-cum-Adjudicating Authority
Director of Enforcement
Chennai Zonal Office
No.84, Gremas Road
Thousandlights,
Chennai - 600 006.

2.The Principal Commissioner of Income Tax
Nungambakkam High Road,
Chennai - 600 034.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to issue clearance certificate to the 1st respondent and consequently direct the 1st respondent to disburse the amount of Rs.26,85,886/- with interest lying in Karur Vysya Bank in account No.1239135000001477 of M/s Velu Associates after deducting penalty amount of Rs.3 lakhs.

For Petitioner : Mr.D.Rajagopal

For Respondents : Mrs.Hema Murali Krishnan
Senior Standing Counsel

O R D E R

Mrs. Hema Muralikrishnan accepts notice on behalf of the respondents and is armed with sufficient instructions to enable a final disposal of this case even at the stage of admission. No notice is thought necessary to R1 in nature of the relief sought and the order that is been passed.

2. The petitioner has sought a mandamus, directing R2 to issue a clearance certificate to the 1st respondent as a consequence of which the 1st respondent would be required to disburse the amount of Rs.26,85,886/- with interest lying in Karur Vysya Bank in account No.1239135000001477 in the name M/s Velu Associates after deducting penalty which is quantified by the petitioner at a sum of Rs.3 Lakhs. Admittedly, the same request has been made by the petitioner before R2 as well, as early as on 04.10.2018 and my attention is drawn to a communication from the Income Tax Department placed at Page No.99 of the typed set of papers calling upon the petitioner for hearing on that request.

3. Learned Standing Counsel who has accepted notice for R2 would assure the Court that the application will be disposed expeditiously. Consequent upon disposal of the application dated 04.10.2018, the petitioner is also at liberty to seek such further relief as may be necessary before R2 to enable issuance of a clearance certificate and consequent action by R1 for release of funds.

4. Since the last hearing was scheduled to 18.02.2020 and no party is aware as to whether there has been a more recent hearing afforded to the petitioner. It would be appropriate that the petitioner be heard once again and orders passed in accordance with law, both events to take place within a period of four (4) weeks from date of issuance of the receipt of a copy of this order.

5. This writ petition stands disposed with the above. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

nst

To

1.The Joint Director-cum-Adjudicating Authority
Director of Enforcement
Chennai Zonal Office
No.84, Grema Road
Thousandlights,
Chennai - 600 006.

2.The Principal Commissioner of Income Tax
Nungambakkam High Road,
Chennai - 600 034.

+1cc to Mrs.Hema Murali Krishnan, Advocate SR.No.39511

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PL(CO)
GMV(15/07/2022)