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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.4336 of 2022
and
W.M.P.(MD)Nos.3665, 3666 and 5468 of 2022

SEBCO Properties Private Limited,
Represented by its Managing Director,
Mr.Joachim Sebastian Leyronne Morais,
No.25D, Mahalakshmi Nagar,
KK Nagar,
Trichy - 620 021. ... Petitioner

Vs.

1. The Assistant Commissioner of Income Tax,
   Central Circle -2,
   Trichy - 620 001.

2. The Sub Registrar,
   4th Street, Vin Nagar Main Street,
   Vin Nagar, Pappakurichi Kattur,
   Tiruchirappalli - 620 019,
   Tamil Nadu. ... Respondents

(R2 implead vide Court order dated 08.04.2022 in W.M.P.(MD)No.5126 of 2022 in W.P.(MD) No.4336 of 2022 by CSNJ)

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PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to call for the records of the first respondent with regard to the impugned order of Provisional Attachment dated 07.02.2022 passed under Section 281 B of the Income Tax Act, 1961 against the petitioner dated 07.02.2022 bearing DIN in Order No.ITBA/COM/F/17/2021-22/1039456917(1), and quash the same as untenable in law, unreasonable, illegal, wholly without jurisdiction and further to direct the respondents to lift the attachment order made under Section 281 B of the Income Tax Act.

For Petitioner	:	Mr.Joachim Sebastian party-in-person
For Respondents	:	Mr.N.Dilipkumar Senior Standing counsel for R1 Mr.S.Shanmugavel Additional Govt. Pleader for R2

O R D E R

The petitioner, who appeared in person filed a memo dated 04.07.2022, stating that some misunderstanding is going on between the petitioner and his counsel, to whom, he had given vakalath and filed the present Writ Petition.

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2. Now, the major portion of the difference between the petitioner and the Department has been resolved and it is also agreed by the Department that the issue can be amicably settled and the attachment proceedings can be removed. In view of the same, he has filed the memo dated 04.07.2022, to withdraw this Writ Petition.

3. Mr.K.Jeyamohan, learned counsel, Enrolment No.3640/2017 identified the petitioner / party-in-person on verification of the passport and the copy of the same has been produced before this Court.

4. Mr.N.Dilipkumar, learned Senior Standing Counsel appearing for the first respondent submits that he has no objection on the part of the petitioner to withdraw this petition. With regard to paragraph 4, he had some objection, since his instruction from the Department is that there is no such proposal given by the Department.

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5. Recording the objections and on verification of the petitioner, who appeared in person, this Writ Petition is dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petitions are closed. It is made clear that the petitioner / party-in-person is at liberty to work out his remedy in the manner known to law.

04.07.2022

Index : Yes / No
Speaking Order : Yes / No

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Note: Issue order copy by 04.07.2022

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M.NIRMAL KUMAR, J.

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