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W.P.Nos.12998 and 12999 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2023

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.Nos.12998 and 12999 of 2021

ICICI Bank Limited,
Represented by its Manager
Mr.P.Cho Pillai,
No.1 Cenotaph Road,
Teynampet, Chennai 600 018.

... Petitioner in both petitions

v.

1.The Assistant Commissioner of Income Tax,
ITO Non-Corporate Ward 12(1)
Non-Corporate Range 12
Chennai – BSNL Building Tower -2, II Floor,
16 Greams Road, Thousand Lights,
Chennai 600 006.

2.Mr.D.Satish

3.Mr.S.Jayakrishnan

... Respondents in W.P.No.12998/2021

1.The Assistant Commissioner of Income Tax,
ITO Non-Corporate Ward 12(1)
Non-Corporate Range 12
Chennai – BSNL Building Tower -2, II Floor,
16 Greams Road, Thousand Lights,
Chennai 600 006.

2.Mr.D.Satish

... Respondents in W.P.No.12999/2021



Prayer in W.P.No.12998 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the 1st respondent to lift the Order of Attachments issued by the 1st respondent vide Letter No.NCC-11/AAAFY3830C/2019-20 dated 06.09.2019 registered on 17.09.2019 as Document No.32 of 2019 in Sub-Registrar Office, Madavaram and Letter No.NCC-11/AAVFA0104G/2019-20 dated 06.09.2019 registered on 19.09.2019 as Document No. 34 of 2019 in Sub-Registrar, Office, Madavaram in respect of property bearing Plot No.34, Vasu Nagar, 3rd Street, Ponniammanmedu, measuring an extent of 2633 sq.ft with building thereon and communicate the same to the Sub-Registrar Office, Madavaram.

Prayer in W.P.No.12999 of 2021: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the 1st respondent to lift the Order of Attachments issued by the 1st respondent vide Letter No.NCC-11/AAAFY3830C/2019-20 dated 06.09.2019 registered on 17.09.2019 as Document No.13 of 2019 in Sub-Registrar Office, Sembium and Letter No.NCC-11/AAVFA0104G/2019-20 dated 06.09.2019 registered on 14.09.2019 as Document No. 14 of 2019 in Sub-Registrar, Office, Sembium in respect of property bearing Plot No.14/2, Ground Floor with 720 sq.ft. Plinth area on 1/6th undivided share of land of the total extent of land measuring 3100 sq.ft. in S.No.97/2A in T.S.No.374 Block No.1, Varadharajan Street, Vetri Nagar, Peravallur, Chennai 600 082 and communicate the same to the Sub-Registrar office, Sembium.



For Petitioner in both petitions

: Mr.K.Balamurali for
M/s Shivakumar and Suresh

For Respondents
in W.P.No.12998/2021

: Mr.B.Ramaswamy for R1
Senior Standing Counsel
For R3- No Appearance
For R2- Not ready in notice

in W.P.No.12999/2021

: Mr.B.Ramaswamy for R1
Senior Standing Counsel
For R2- Not ready in notice

COMMON ORDER

The writ petitions are filed praying for writ of Mandamus directing the 1st respondent to lift the Order of Attachments issued by the 1st respondent vide Letter No.NCC-11/AAAFY3830C/2019-20 dated 06.09.2019 registered on 17.09.2019 as Document No.32 of 2019 in Sub-Registrar Office, Madavaram and Letter No.NCC-11/AAVFA0104G/2019-20 dated 06.09.2019 registered on 19.09.2019 as Document No. 34 of 2019 in Sub-Registrar, Office, Madavaram in respect of property bearing Plot No.34, Vasu Nagar, 3rd Street, Ponnammanmedu, measuring an extent of 2633 sq.ft with building thereon and communicate the same to the Sub-Registrar Office, Madavaram and also directing the 1st respondent to lift the Order of Attachments issued by the 1st respondent vide Letter No.NCC-11/AAAFY3830C/2019-20 dated 06.09.2019



registered on 17.09.2019 as Document No.13 of 2019 in Sub-Registrar Office, Sembium and Letter No.NCC-11/AAVFA0104G/2019-20 dated 06.09.2019 registered on 14.09.2019 as Document No. 14 of 2019 in Sub-Registrar, Office, Sembium in respect of property bearing Plot No.14/2, Ground Floor with 720 sq.ft. Plinth area on 1/6th undivided share of land of the total extent of land measuring 3100 sq.ft. in S.No.97/2A in T.S.No.374 Block No.1, Varadharajan Street, Vetri Nagar, Peravallur, Chennai 600 082 and communicate the same to the Sub-Registrar office, Sembium.

2. Today when the matter is taken up for hearing, it is submitted by Mr.B.Ramaswamy, learned Senior Standing Counsel for the 1st respondent that if representation is filed by the petitioner, the same would be considered and orders shall be passed within a period of 3 working days. To which the learned counsel for the petitioner also acceded to.

3. In view of the above submission of the learned Senior Standing Counsel, it is open to the petitioner to file a representation before the 1st respondent. If any such representation is submitted by the petitioner, the 1st respondent shall consider the representation of the petitioner and pass orders in accordance with law within a period of 3 working days from the date of receipt of such representation. In the event of the 1st respondent deciding to lift the



attachment, the same shall be communicated to the concerned Sub-Registrar Office within a week thereafter.

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4. With the above direction, the Writ Petitions stand disposed of. No costs.

30.08.2023

Index: Yes/No
Internet: Yes/No
Speaking order/Non speaking order
shk

To

The Assistant Commissioner of Income Tax,
ITO Non-Corporate Ward 12(1)
Non-Corporate Range 12
Chennai – BSNL Building Tower -2, II Floor,
6 Greams Road, Thousand Lights,
Chennai 600 006.



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MOHAMMED SHAFFIQ,J.

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