



WEB COPY



W.P.No.34868 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.01.2023**

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P.No.34868 of 2022
and
W.M.P.No.34282 of 2022

K.C.Jothinathan

.. Petitioner

Vs

The State Tax Officer (FAC)
Office of the Asst. Commissioner (ST),
Dharmapuri.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the demand notice dated 12.11.2022 issued by the respondent, quash the same and consequently direct the respondent to refund the sum of Rs.85,552/- paid by the petitioner towards penalty.

For Petitioner : Mr.K.Venkatesan

For Respondent : Ms.Amirta Dinakaran
Government Advocate (Tax)



W.P.No.34868 of 2022

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ORDER

When the matter was taken up, Mr.K.Venkatesan, learned counsel on record for writ petitioner submits that he realises that certain inadvertent errors have crept into in the said writ petition. Learned counsel seeks leave of this Court to withdraw the captioned writ petition but makes a plea to preserve the rights of the writ petitioner for filing a fresh writ petition on the same cause of action. As the reason given by the learned counsel is acceptable, his request is acceded to.

2. Learned counsel on record has made an endorsement in the case file and a scanned reproduction of the same is as follows:



W.P.No.34868 of 2022

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The wife's position might be
discharged by withdrawal
of funds from
Council for beginning
2/1/53

HIGH COURT : MADRAS
(Special Original Jurisdiction)

W.P. No. 2303 of 2022

K.C. Jothimathan
Works Contractor
Dharmapuri 636 703 Va Petitioner.

The State Tax Officer (FAC)
Office of the Asst. Commissioner (ST)
Dharmapuri



WARRANT PETITION

MRS. K. VENKATESAN	12
P. GAJENDRABABU &	14
L. MUTHUSWAMY	113

Counsel for Petitioner
Ph. 9840663098

3. The aforementioned endorsement is reiterated in the hearing.



W.P.No.34868 of 2022

4. Sequiter is, captioned writ petition is disposed of as withdrawn/closed albeit preserving all the rights and contentions of the writ petitioner to file another writ petition on the same cause of action raising the same point. Consequently, captioned WMP is disposed of as closed. There shall be no order as to costs.

5. Registry to return the original of the impugned order forthwith to the counsel on record for the writ petitioner (under due acknowledgement).

02.01.2023

Index : Yes/No
Neutral Citation : Yes/No
mmi

To

The State Tax Officer (FAC)
Office of the Asst. Commissioner (ST),
Dharmapuri.



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W.P.No.34868 of 2022

M.SUNDAR,J.,

mmi

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