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W.A.No.137 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No.137 of 2023

1. The Commissioner of Commercial Taxes,
Chepauk, Chennai-600 005.

2. The Commercial Tax Officer,
Harbour Assessment Circle,
Chennai.

... Appellants

-VS-

Metalica Metals
rep. by its Partner,
Chennai.

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letter Patent to set aside the order dated 03.10.2016 passed in W.P.No.34772/2016 and allow the Writ Appeal.

For Appellants : Mr.M.Venkateswaran, Spl.G.P.

For Respondent : ...



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J U D G M E N T

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Learned Special Government Pleader appearing for the appellants sought for permission of this Court to withdraw the present Writ Appeal and he has also filed a Memo of Withdrawal of the Writ Appeal dated 06.01.2023 to that effect.

2. In this regard, it is relevant to extract the Memo of Withdrawal of the Writ Appeal here under:

"1. The above Writ Appeal was filed by the Department against the orders passed in W.P.No.34772 of 2016 dated 03.10.2016 without full set of papers viz. 2nd set of papers, stay affidavit and petition, delay affidavit and petition, dispense with affidavit and petition, synopsis, delay in representation, batta, dates and events, typed set, coding sheet, verified petition etc. and the same was returned by the Registry vide W.A.S.R.No.76217 of 2017.

2. In the meantime, the orders passed in W.P.No.34772 of 2016 has been accepted by the Appellant/covered under litigation policy. Therefore, the Department has not represented the Writ Appeal within the time stipulated by the Registry.

3. Now, we have filed memo of withdrawal of the above Writ Appeal before the Registry for permission to withdraw along with memorandum of grounds of Writ Appeal, delay affidavit and petition, delay in representation affidavit and petition, impugned order and memo of appearance.

Hence, it is prayed that this Hon'ble Court may be pleased to direct the Registry to number the above Writ Appeal and thereby render justice."



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3. Recording the same, permission is granted to the learned Special government Pleader for the appellants to withdraw the above Writ Appeal.

Accordingly, the Writ Appeal is dismissed as withdrawn. No costs.

[S.V.N., J.] [M.S.Q., J.]
11.01.2023

Index: Yes / No
Internet: Yes / No
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MOHAMMED SHAFFIQ, J.

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