IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.35676 of 2025
and
W.M.P.Nos.39920, 39922 and 48529 of 2025

Ms.R.Lakshmi Priya,
D/o and Legal Heir of Late Shri Yelchur Ranganathan ... Petitioner

Vs.

Income Tax Officer,
Corporate Ward 3(3),
121, Mahatma Gandhi Road,
Nungambakkam,
Chennai – 600 034. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records on the file of the Respondent and to quash the impugned Assessment Order passed by the Respondent under Section 147 read with Section 144 of the Income Tax Act, 1961, for the Assessment Year : 2016-2017, in PAN AADPR5279B under DIN ITBA/AST/M/144/2024-2025/1070056446(1) dated 30.10.2024.

For Petitioner : Mr.G.Ashok Pathy
for M/s.Pass Associates

For Respondent : Mrs.S.Premalatha
Senior Standing Counsel

ORDER

This is the 2nd round of litigation before this Court.

2. In the Writ Petition, the Legal Heir of the deceased assessee namely, Late Shri Yelchur Ranganathan has challenged the Assessment Order dated 30.10.2024 passed under Section 147 read with Section 144 of the Income Tax Act, 1961 for the Assessment Year 2016-2017.

3. Earlier, an Assessment Order came to be passed in the name of the deceased assessee under Section 147 read with Section 144 of the Income Tax Act, 1961 on 31.05.2023 for the Assessment Year 2016-2017. The deceased assessee died on 19.08.2019.

4. Under these circumstances, the aforesaid Assessment Order dated 31.05.2023 was challenged by the Petitioner's half-sister namely Smt.Sandhya Sailesh in W.P.No.24251 of 2023. The Writ Court after considering the facts and circumstances of the case, ordered as under:-

> *"6. In view of the aforestated position, this Court is inclined to quash the impugned Assessment Order dated 31.05.2023 and the respondent shall continue the proceedings subsequent to the issuance of show cause notice dated 27.05.2023 issued in the name*

of all the legal heirs viz., the petitioner herein (Smt.Sandhya Sailesh), Ms.R.Lakshmi Priya and Mr.R.Suriya Prakash and proper communication is directed to be sent to all the legal heirs and necessary opportunity of hearing shall also be given before passing the Assessment Order.

7. The Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs."

5. It is in this background, two Show Cause Notices came to be issued to all the Legal Heirs of the deceased assessee namely Late Shri Yelchur Ranganathan on 09.10.2024 and 18.10.2024 giving 7 days time each to respond. Neither the Legal Heirs responded to the aforesaid Show Cause Notices nor sought for extension of time for giving a proper reply.

6. It is in this background, the impugned Assessment Order dated 30.10.2024 has been passed under Section 147 read with Section 144 of the Income Tax Ac, 1961 for the Assessment Year 2016-2017.

7. A reading of the impugned Assessment Order indicates that the order has been passed following the directions of the Court in W.P.No.24251 of 2023 dated 19.10.2023. There are also no procedural irregularities warranting any interference under Article 226 of the Constitution of India.

8. Considering the fact that no reply has been given by the Legal Heirs of the deceased assessee to the Show Cause Notices that preceded the impugned Assessment Order and the amount of tax including interest has been assessed at Rs.4,18,71,142/-, to balance the interest of the Petitioner and the Respondent, the impugned Assessment Order is quashed the case is remitted back to the Respondent to pass a fresh order on merits, subject to the Petitioner depositing 20% of the disputed tax amount excluding interest charged under Section 234A, 234B and 234C of the Income Tax Act, 1961. In other words, the Petitioner shall deposit 20% of Rs.1,33,05,275/- (Rs.4,18,71,142/- - Rs.2,85,65,868/-) within a period of sixty days from today.

9. Within such time, the Petitioner shall also file a reply to the Show Cause Notices dated 09.10.2024 and 18.10.2024 together with requisite documents to substantiate the case by treating the impugned Assessment Order dated 30.10.2024 as an addendum to the Show Cause Notices.

10. In case the Petitioner complies with the above stipulations, the Respondent shall proceed to pass a final order on merits and in accordance

with law as expeditiously as possible, preferably, within a period of three (3) months of such reply / pre-deposit.

11. In case the Petitioner fails to comply with any of the stipulations, the Respondent is at liberty to proceed against the Petitioner to recover the tax in accordance with law as if this Writ Petition was dismissed *in limine* today.

12. Needless to state, before passing any such order, the Respondent shall give due notice to the Petitioner.

13. This Writ Petition stands disposed of with the above observations. No costs. Connected Writ Miscellaneous Petitions are closed.

06.01.2026

Neutral Citation : Yes / No

arb

To:

Income Tax Officer,
Corporate Ward 3(3),
121, Mahatma Gandhi Road,
Nungambakkam,
Chennai – 600 034.

C.SARAVANAN, J.

arb

W.P.No.35676 of 2025
and
W.M.P.Nos.39920, 39922 and 48529 of 2025

06.01.2026