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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Monday, the Fourth day of July Two Thousand Twenty Two

PRESENT

THE HON`BLE DR.JUSTICE ANITA SUMANTH

WP.No.16885 of 2022

AND WMP.No.16185 of 2022

M/S.SREE GOKULAM CHIT AND
FINANCE CO P LTD, W 110,
GOKULAM SABARI TOWER, 4TH FLOOR,
3RD AVENUE, ANNA NAGAR,
CHENNAI 600 040 PAN: AAACS8778C

[PETITIONER IN BOTH THE PETITIONS]

Vs

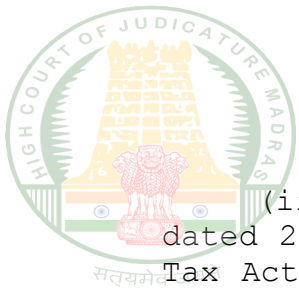
1 THE TAX RECOVERY OFFICER,
THE PCIT-1, CHENNAI,
WANAPARTHY BLOCK , IIIRD FLOOR,
MAIN BUILDING, NO.121, M.G.ROAD,
NUNGAMBAKKAM, CHENNAI 600 034

[RESPONDENTS IN BOTH THE PETITIONS]

2 THE PRINCIPAL COMMISSIONER OF
INCOME TAX-1, CHENNAI,
MAIN BUILDING, NO.121,
M.G.ROAD, NUNGAMBAKKAM, CHENNAI 600 034

3 SHRI S.ELANGOVAN
NO.37, LAZARUS CHURCH ROAD,
2ND LANE, R.A.PURAM,
CHENNAI 600 028.
PAN: AAAP2824Q

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a Writ of **CERTIORARI** or any other appropriate writ or order or direction to call for the records of the Writ Petitioner on the file of the First Respondent to quash the impugned order dated 21.04.2022 passed in terms of the second schedule of the Income Tax Act, 1961 in DIN and Order No. **ITBA/COM/F/17/2022-23/1042805708 (1)** (IN WP.No.16885 of 2022) and



(ii) To pass an order of **STAY OF OPERATION** of the impugned order dated 21.04.2022 passed in terms of the second schedule of the Income Tax Act, 1961 in DIN and Order No. **ITBA/COM/F/17/2022-23/1042805708(1)** restraining the Respondents from all further proceedings as a consequence to the passing of the impugned order (IN WMP.No.16185 of 2022)

Order : This petition and miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.AS.SRIRAMAN, Advocate for the Petitioner in both the Petitions and of MR.PRABU MUKUND ARUNKUMAR, JUNIOR STANDING COUNSEL for the 1 and 2 Respondents in both the Petitions, the court made the following order:-

Mr.Prabhu Mukund Arun Kumar, learned Senior Standing Counsel accepts notice for R1 and R2 and seeks some time to obtain instructions and file a counter.

2. Notice through Court as well as privately to R3, returnable 01.08.2022. Proof of service be placed on file by then.

3. Prima facie, the conclusion of the Tax Recovery Officer/R1, to the effect that the mortgage of the immovable property at Plot No.6A Vanchi Nagar Extension, 7th Street, Korattur, Chennai - 600 080 with the petitioner company is 'void ab initio', appears to be contrary to the judgment of Hon'ble Supreme Court in the case of *The Tax Recovery Officer V. Gangadhar Viswanath Ranade* (234 ITR 188).

4. Hence, there shall be an order of interim stay of the above observation/conclusion in order dated 21.04.2022 as well as communication dated 29.04.2022, effective till 01.08.2022.

5. List on 01.08.2022. Counter by then with an advance copy served upon the petitioner.

-sd/-

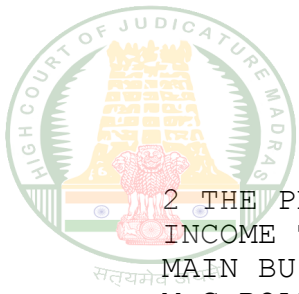
04/07/2022

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Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE TAX RECOVERY OFFICER,
THE PCIT-1, CHENNAI,
WANAPARTHY BLOCK , III RD FLOOR,
MAIN BUILDING, NO.121, M.G.ROAD,
NUNGAMBAKKAM, CHENNAI 600 034



2 THE PRINCIPAL COMMISSIONER OF
INCOME TAX-1, CHENNAI,
MAIN BUILDING, NO.121,
M.G.ROAD, NUNGAMBAKKAM, CHENNAI 600 034

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C.C.to M/S.HEMA MURALIKRISHNAN, SENIOR STANDING COUNSEL
SR.NO. 5249/2022.

Order
in
WP.No.16885 of 2022
AND WMP.No.16185 of 2022

Date :04/07/2022

From 26.2.2001 the Registry is issuing certified
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TP(07/07/2022)