

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WA.No. 2497 of 2015 () IN WP(C).34678/2015

AGAINST THE ORDER/JUDGMENT IN WP(C) 34678/2015 of HIGH COURT OF KERALA
DATED 17-11-2015

APPELLANT(S)/PETITIONER:

JACOB POTHEN,
GENERAL ADMINISTRATOR,
BELIVERS CHURCH MEDICAL COLLEGE HOSPITAL, KUTTAPUZHA,
THIRUVALLA.

BY ADV. SRI.C.K.SREEJITH

RESPONDENT(S)/RESPONDENTS:

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1. INTELLIGENCE INSPECTOR,
SQUAD NO. III, COMMERCIAL TAXES DEPARTMENT,
MALAPPURAM AT KOTTACKAL - 676 503.
 2. INSPECTING ASSISTANT COMMISSIONER,
COMMERCIAL TAXES CHECK POST, WALAYAR - 678 624.
 3. COMMERCIAL TAX OFFICER,
THIRUVALLA, PATHANAMTHITTA DISTRICT - 689 645.
 4. STATE OF EKALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
TAXES DEPARTMENT, GOVT. SECRETARIAT,
TRIVANDRUM - 695 001.

R BY SMT.SOBHA ANNAMMA EAPEN, GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DG

**THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.**

W.A.No. 2497 of 2015

Dated this the 20th day of November, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.We have heard the learned counsel for the appellant and the learned Senior Government Pleader.

- 2.The petitioner claims to be an administrator of a medical college hospital. Exhibit P7 is the Form 16 certificate downloaded and made available at the check post. The learned single Judge noted that the discrepancies in the said Form 16 issued by the petitioner cannot be upheld outright by this Court and the objections of the appellant have to be heard by the adjudicating authority. The detained goods and vehicle were ordered to be released on the appellant paying 30% of the security amount and furnishing a simple bond without sureties for the balance amount. The learned single Judge had

also directed that on such release of goods following deposit and furnishing of bond, the records will be transmitted for adjudication. The learned single Judge has considered the relevant facts and factors and has issued an order in exercise of discretionary jurisdiction under Article 226 of the Constitution of India. We see no ground to interfere in this intra-court appeal under Section 5 of the Kerla High Court Act and Rules. Writ appeal fails.

In the result, this writ appeal is dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG