

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WP(C).No. 583 of 2015 (W)

PETITIONERS:

SHAJAL MON, AGED 30 YEARS,
S/O.USMAN.P., PANCHIL HOUSE, KOLANGARA,
PANNIKKODE,
MUKKOM, KOZHIKODE DISTRICT.

BY ADV. SRI.T.H.ABDUL AZEEZ

RESPONDENTS :

1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. STATION HOUSE OFFICER,
KANNAVAM POLICE STATION, KANNUR DISTRICT-670001.

R1 & R2 BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 583 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS :-

- EXHIBIT-P1: TRUE COPY OF THE CERTIFICATE OF REGISTRATION DATED 2/4/2012 ISSUED BY THE COMMERCIAL TAXES DEPARTMENT.
- EXHIBIT-P2: TRUE COPY OF THE RECEIPTS FOR REGISTRATION RENEWAL ISSUED BY THE COMMERCIAL TAX DEPARTMENT.
- EXHIBIT-P3: TRUE COPY OF THE G.O.(MS) NO.161 /09/ID DATED 14/12/2009.
- EXHIBIT-P4: TRUE COPY OF THE CIRCULAR NO.58289/P3/2010/REVENUE DATED 11.11.2010 ISSUED BY THE REVENUE DEPARTMENT OF 1ST RESPONDENT.
- EXHIBIT-P5: TRUE COPY OF THE INVOICE NO.264 DATED 22.12.2014 ISSUED BY THE DEALER, APARNA ENTERPRISES TO THE PETITIONER'S VEHICLE NO.KL 58 G 3789.
- EXHIBIT-P6: TRUE COPY OF THE TAX RECEIPTS ISSUED BY THE KERALA COMMERCIAL TAX DEPARTMENT, TAX CHECK POST, MANJESWARAM.
- EXHIBIT-P7: TRUE COPY OF THE ORDER DATED 11/12/2014 IN W.P.(C) 33399/2014.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.583 of 2015

Dated this the 2nd day of September, 2015

JUDGMENT

The petitioner has filed this Writ Petition seeking a declaration that he is entitled to bring river sand from other States into the State of Kerala through the Commercial Tax Check Posts, on payment of the tax applicable, based on Exts.P3 and P4 without any hindrance or interference by the respondents and seeking a writ of mandamus commanding the respondents to release the sand loaded in the vehicle bearing registration No.KL 58 G 3789 without insisting any condition.

2. By order dated 8.1.2015 this Court, taking note of the submission made by the petitioner that, the petitioner has transported sand from Maharashtra, as borne out from the documents produced and that they bear the seal of the border check post authorities, ordered that vehicle bearing No.KL 58 G 3789 shall be released to the petitioner forthwith on executing a simple bond.

3. A statement has been filed on behalf of the 2nd respondent contending that, the vehicle in question entered the State at the Commercial Check Post, Manjeswaram after remitting an amount of ₹1,800/- on 23.12.2014. The route proceeded to Kozhikode District was Manjeswaram-Kannur-Thalassery-Badagara-Kozhikode. But the vehicle was seized at Mananthery Amsom Valiyavelicham, which is around 40 Kms away from the prescribed route for which the driver has no explanation. It is further stated that, the driver was released on bail on 24.12.2014 and the vehicle including sand was also released to the RC owner on 13.1.2015, on executing a simple bond as per the interim order passed by this Court dated 8.1.2015. A report to dispose of this sand has also been submitted to the SDM Court, Thalassery as per the procedure.

4. Today when the case was taken up for further consideration, the learned counsel for the petitioner would submit that, in view of the release of the vehicle the petitioner does not require any further orders from this Court and the Writ Petition may be closed.

5. I heard the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

Taking note of the fact that the vehicle has already been released based on the interim order passed by this Court, this Writ Petition is disposed of directing the 2nd respondent to take necessary steps to finalise the proceedings initiated against the petitioner, through the competent officer, if the same is yet to be finalised.

Sd/-
ANIL K.NARENDRAN, JUDGE

skj