

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 6093 of 2015 (J)

PETITIONER(S):

**SCIENTIFIC MES-TECHNICK PRIVATE LIMITED,
B-14, POLO GROUND, INDUSTRIAL ESTATE, INDORE,
PIN - 452 015, MADHYA PRADESH, REP. BY ITS SENIOR
CUSTOMER SUPPORT ENGINEER, P.K.RAJESH.**

BY ADV. SRI.R.MURALIDHARAN (ARROOR)

RESPONDENT(S):

**1. THE COMMERCIAL TAX INSPECTOR
COMMERCIAL TAX CHECK POST, WALAYAR,
PALAKKAD DISTRICT. PIN - 678 625.**

**2.THE PRINCIPAL,
POLYTECHNIC COLLEGE, MEENANGADI,
WAYANAD DISTRICT, PIN 673 691.**

R BY GOVERNMENT PLEADER SRI.SUDHEESH KUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE PURCHASE ORDER ISSUED BY THE 2ND RESPONDENT, DATED 8.1.2015.

EXT.P2: COPY OF THE SALE INVOICE ATTACHED WITH THE CONSIGNMENT, DATED 5.2.2015.

EXT.P3: COPY OF THE CONSIGNMENT NOTE ATTACHED WITH THE CONSIGNMENT, DATED 5.2.2015.

EXT.P4: COPY OF THE OWNERSHIP CERTIFICATE WITH COVERING LETTER ISSUED BY THE 2ND RESPONDENT AND ATTACHED WITH THE CONSIGNMENT, DATED 22.1.2015.

EXT.P5: COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT UNDER SECTION 47(2) DATED 10.2.2015.

RESPONDENTS EXHIBITS: NIL.

//TRUE COPY/

P.S. TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.6093 OF 2015 (J)

Dated this the 26th day of February, 2015

J U D G M E N T

The petitioner is aggrieved by Ext.P5 notice issued to him, detaining a consignment of two numbers of multiple power supply units, that was being transported at his instance, at Walayar Check post. In the writ petition, the petitioner is aggrieved by the insistence of the respondents that the petitioner must pay the security deposit demanded in the detention notice as a condition for release of the goods and vehicle.

2. I have heard Sri.R.Muraleedharan, the learned counsel appearing for the petitioner and also Sri.Sudheesh Kumar, the learned Government Pleader appearing for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the Bar, I dispose the writ petition with the following directions:

- (i) On a perusal of Ext.P5 detention notice, it is seen that the objection of the respondents is only with

regard to non-uploading of Form 16 in electronic format. It is not in dispute that the transportation of the goods was accompanied by a manual Form 16, which is produced along with the writ petition as Ext.P4. Accordingly, I direct the 1st respondent to release the goods and the vehicle subject to the petitioner furnishing a simple bond without sureties for the security deposit demanded in Ext.P5 notice, before the said respondent.

(iii) The respondents shall thereafter transmit the files to the adjudicating authority who shall adjudicate the matter and pass orders, after hearing the petitioner, within two months from the date of receipt of a copy of this judgment.

(iv) The petitioner shall produce a copy of this judgment and a copy of the writ petition before the respondents.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp