

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

WP(C).No. 15182 of 2010 (W)

PETITIONER:

P.K.SIVAN, AGED 55 YEARS,
S/O.KUMARAN, PARASSERY HOUSE, THANILADAN
MANNOM, NORTH PARAVUR VILLAGE, ERNAKULAM DISTRICT.

BY ADVS.SRI.NIREESH MATHEW
SRI.C.C.THOMAS (SR.)

RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE,
NEDUMBASSERY POLICE STATION, ERNAKULAM DISTRICT.
2. THE DEPUTY EXCISE COMMISSIONER,
KACHERIPADY, ERNAKULAM.
3. THE ADDL.EXCISE COMMISSIONER, EXCISE
HEADQUARTERS, NANDAVANAM, THIRUVANANTHAPURAM.
4. THE COMMISSIONER OF EXCISE, EXCISE
HEADQUARTERS, NANDAVANAM, THIRUVANANTHAPURAM.

R, BY ADV. SRI. G. GOPAKUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

: 2 :

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1 : PHOTOCOPY OF THE RENT AGREEMENT DATED 01.04.2008.
- EXT.P2 : PHOTOCOPY OF THE ORDER DATED 08.06.2009 IN BA NO. 2486/2009 PASSED BY THIS HON'BLE COURT.
- EXT.P3 : PHOTOCOPY OF THE REPLY TO THE SHOW CAUSE NOITICE SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 07.05.2009.
- EXT.P4 : PHOTOCOPY OF THE ORDER NO.E7-2134/2009 DATED 29.09.2009 PASSED BY THE 2ND RESPONDENT.
- EXT.P5 : PHOTOCOPY OF THE APPEAL MEMORANDUM DATED 12.11.2009 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT.P6 : PHOTOCOPY OF THE ORDER NO.34(B)/APPL/2005/AC(X) DATED 20.02.2006 PASSED BY THE ADDL. EXCISE COMMISSIONER, THIRUVANANTHAPURAM UNDER SECTION 67-E OF THE ABKARI ACT.
- EXT.P7 : PHOTOCOPY OF THE ORDER NO.66/APL/2009/AC(X) DATED 24.03.2010 PASSED BY THE 3RD RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

DAMA SESHADRI NAIDU, J.

W.P. (C) No. 15182 of 2010 (W)

Dated this the 3rd day of November, 2015.

JUDGMENT

Heard both sides.

2. In the light of the ratio laid down by this Court in the judgment dated 12.08.2014 in W.P.(C) No. 15185 of 2010, this Court allows the writ petition, thereby setting aside Exts.P4 and P7.

Consequently, the second respondent is directed to release the vehicle to the custody of the petitioner forthwith.

sd/- DAMA SESHADRI NAIDU, JUDGE.

W.P.(C). No.

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