

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 16921 of 2015 (M)

PETITIONER:

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

BY ADVS.SRI.T.H.ABDUL AZEEZ
SMT.A.C.ARFANA
SRI.K.N.MUHAMMED THANVEER
SRI.K.V.VASAVAN

RESPONDENT(S):

1. STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM- 695 001.
2. REVENUE DIVISIONAL OFFICER
KANHANGAD, KASARAGODE DISTRICT- 671121.
3. STATION HOUSE OFFICER,
KASARAGOD POLICE STATION, KASARAGOD- 671121.

BY GOVERNMENT PLEADER SRI NOUSHAD THOTTATHIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16921 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 TRUE COPY OF THE CERTIFICATE OF REGISTRATION DATED 2/4/2012
ISSUED BY THE COMMERCIAL TAXES DEPARTMENT
- EXT.P2 TRUE COPY OF THE G.O.(MS)NO. 161/09/ID DATED 14/12/2009
- EXT.P3 TRUE COPY OF THE CIRCULAR NO 58289/P3/2010/REVENUE DATED
11/11/2010 ISSUED BY THE REVENUE DEPARTMENT OF 1ST RESPONDENT
- EXT.P4 TRUE COPY OF THE INVOICE NUMBER 1424 ISSUED BY THE DEALER,
APARNA ENTERPRISES TO THE PETITIONER'S VEHICLE NO. KA 21 A 4876
- EXT.P5 TRUE COPY OF THE TAX RECEIPT ISSUED BY THE KERALA COMMERCIAL
TAX DEPARTMENT, TAX CHECKPOST MANJESWAR TO PETITIONER'S
VEHICLE NO KA 21A 4876
- EXT.P6 TRUE COPY OF ORDER DATED 8/1/2015 IN WPC NO 583 /2015 (W)

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRA, J.

W.P.(C)No.16921 of 2015

Dated this the 8th 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.P2 and P3 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 21 A 4876 without insisting any condition.

2. By order dated 5.6.2015 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 signature and seal of the check post authorities, ordered that vehicle bearing No. KL 21 A 4876 shall be released to the petitioner on executing a simple bond and also on furnishing an undertaking that the vehicle will not be

alienated nor any action will be pursued so as to cause value of the vehicle diminished in any manner.

3. 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.

4. 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, with notice to the petitioner.

Sd/-
ANIL K.NARENDRAN, JUDGE

dsn