

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYASHTA, 1937

WP(C).NO. 17240 OF 2015 (D)

PETITIONER(S):

**JOSHI CHAKAPPAN,
CHINGANTHARA HOUSE, THRIKKAKARA, EDAPPALLY P.O.,
COCHIN- 682 024, ERNAKULAM DISTRICT.**

BY ADV. SRI.TOMSON T.EMMANUEL

RESPONDENT(S):

- 1. INTELLIGENCE INSPECTOR,
DEPARTMENT OF COMMERCIAL TAXES, SQUAD NO.II
KALPETTA- 673 121, WAYANAD DISTRICT.**
- 2. COMMERCIAL TAX INSPECTOR,
COMMERCIAL TAXES CHECK POST, THOLPATTY- 670 646
WAYANAD DISTRICT.**

BY GOVERNMENT PLEADER SMT.SHOBA ANNAMMA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF ELECTION IDENTITY CARD NO.KL/11/075/129151 DATED 22.04.1997 ISSUED TO PETITIONER, BY ELECTORAL REGISTRATION OFFICER.
- EXT.P1(A): TRUE COPY OF PERMANENT ACCOUNT NO.ACGPC9789E ISSUED TO PETITIONER BY COMMISSIONER OF INCOME-TAX, COCHIN.
- EXT.P2: TRUE COPY OF TAX INVOICE NO.126180278169 DATED 28.02.2015 ISSUED TO PETITIONER BY POPULAR MEGA MOTORS (INDIA)LTD; AT THE TIME OF PURCHASE OF TATA CHASSIS NO.MAT 412177 FAO 00722, HAVING ENGINE NO.51A 84202073, ALONG WITH FREE SERVICE ELIGIBILITY.
- EXT.P3: TRUE COPY OF CERTIFICATE OF INSURANCE POLICY NO.76100331140100009294 DATED 09.03.2015 FOR THE CHASSIS, ISSUED BY NEW INDIA ASSURANCE CO; LTD, COCHIN.
- EXT.P4: TRUE COPY OF SALES CERTIFICATE IN FORM NO.21 DATED 09.03.2015 ISSUED BY SUPPLIER OF CHASSIS IN KERALA, NOTING HYPOTHECATION WITH INDIAN OVERSEAS BANK, UDYOGAMANDAL.
- EXT.P5: TRUE COPY OF TEMPORARY REGISTRATION NO.KL-07-BQ-TEMP-1679 DATED 09.03.2015 ISSUED IN THE NAME OF PETITIONER BY MOTOR VEHICLES DEPARTMENT FOR TEMPORARY REGISTRATION OF CHASSIS.
- EXT.P5(A): TRUE COPY OF DECLARATION DATED 25.03.2015 MADE BY PETITIONER WHILE TRANSPORTING CHASSIS TO BANGALORE, MADE BEFORE COMMERCIAL TAXES CHECK POST, MUTHANGA.
- EXT.P6: TRUE COPY OF INVOICE NO.281/2015-16 DATED 05.06.2015 ISSUED BY S.M.KANNAPPA AUTOMOBILES PVT.LTD; BANGALORE, FOR FABRICATION OF BUS BODY ON TATA 218 "WB CHASSIS NO. MAT412177FOA00722 PROVIDED BY PETITIONER.
- EXT.P6(A): TRUE COPY OF INVOICE NO.282/2015-16 DATED 05.06.2015 ISSUED BY S.M.KANNAPPA AUTOMOBILES PVT.LTD; BANGALORE, FOR ADDITIONAL WORK CARRIED ON TATA 218"WB CHASSIS NO. MAT412177FOA00722 PROVIDED BY PETITIONER.
- EXT.P7: TRUE COPY OF CERTIFICATES IN FORM 22A DATED 06.06.2015 ISSUED BY BODY BUILDER AS PER MOTOR VEHICLE RULES, ALONG WITH FORM NO.19 FOR BODY BUILT ON CHASSIS.

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**EXT.P7(A): TRUE COPY OF DECLARATION DATED 06.06.2015 ISSUED BY
S.M.KANNAPPA AUTOMOBILES PVT.LTD; BANGALORE.**

**EXT.P8: TRUE COPY OF NOTICE OR NO.77/VCII/15-16 DATED 07.06.2015
AT 05.30AM, ISSUED BY 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.17240 of 2015

Dated this the 10th day of June, 2015

J U D G M E N T

The petitioner has approached this Court challenging detention of his vehicle as per Ext.P8 notice. The petitioner purchased TATA Passenger Chassis from this State and taken the chassis to Bangalore for body building. The same was detained while taken back to Kerala, after body building. As per Ext.P8 notice, the petitioner has been directed to furnish security deposit of ₹2,98,700/-.

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader for the respondents.

3. The documents produced before this Court show that the petitioner carried out the body building in Karnataka. In view of the facts and circumstances of the case, this Court finds that there is no need for detaining the vehicle. The same shall, therefore, be released to the petitioner on execution of a simple bond without sureties.

This writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.

AV