

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 18854 of 2015 (F)

PETITIONERS :

- 1. K.D. DILEEPKUMAR, S/O.K.R.DASAN,
KALAMASSERIPARAMBIL HOUSE, IRIMPANAM,
TRIPUNITHURA, ERNAKULAM DISTRICT.**
- 2. B. SURESH, S/O.BABY, THADIKKALCHIRAYIL HOUSE,
AVALUKKUNNU.P.O., ALAPPUZHA.**

**BY ADVS.SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON**

RESPONDENT :

**INTELLIGENCE INSPECTOR,
SQUAD NO.1, OFFICE OF INSPECTING ASST. COMMISSIONER
(INTELLIGENCE), COMMERCIAL TAXES, KANNUR-670 001**

BY GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.18854/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE NO.KL-39/F-6404
DATED 10/12/2013.
- P2 COPY OF THE INVOICE NO.7290602341 ISSUED BY M/S. ESSAR OIL LIMITED
DATED 19/06/2015.
- P3 COPY OF THE NOTICE IN FORM NO.17A ISSUED BY THE RESPONDENT DATED
20/06/2015.
- P3(A) COPY OF THE NOTICE IN FORM NO.17A ISSUED BY THE RESPONDENT DATED
20/06/2015.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A. MUHAMED MUSTAQUE, J.

W.P(C). No. 18854 of 2015

Dated this the 25th day of June, 2015

J U D G M E N T

The petitioner challenges the detention notice. The petitioner transporting High Speed Diesel (HSD). The consignor is the Essar Oil Limited and the consignee is Alinked Petroleum, Anjarakandy, Kannur.

2. The reason for detention is that, the vehicle has been intercepted near Parnassery at early morning around 4 a.m. The vehicle and goods have not been declared in any of the enroute check post via Kunjipally, new Mahi.

3. The petitioner's case is that, since the goods to be delivered at Anjarakandy, they have taken a shortest route available. It is also submitted that, there is no occasion for them to pass through the Feroke check post to any other check post.

4. I am of the view that the genuineness of the petitioner has to be verified through adjudication proceedings. However, the petitioner only being a transporter, the vehicle and goods, can be released only with a concurrence of either the consignor or consignee. Either of them has to execute a

security in the form of simple bond towards any possible liability based on the adjudication. Therefore the following directions are issued:

“The vehicle and goods shall be released on executing a simple bond by the petitioner as well the consignor or consignee.”

The writ petition is disposed of.

Sd/-

A. MUHAMED MUSTAQUE, JUDGE.

Pn