

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 20809 of 2015 (A)

PETITIONER:

**MOHANAN, PROPRIETOR,
S.R.TRADERS, CHAVADIMUKKU,
VENJARAMOODU, THIRUVANANTHAPURAM- 695 607.**

**BY ADVS.SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
DISTRICT COLLECTORATE, KOLLAM, PIN- 691 001.**
- 2. THE DISTRICT SUPPLY OFFICER,
OFFICE OF THE DISTRICT SUPPLY OFFICER,
DISTRICT COLLECTORATE, KOLLAM, PIN- 691 001.**
- 3. THE SUB INSPECTOR OF POLICE,
KOLLAM EAST POLICE STATION, KOLLAM, PIN- 691 001.**

BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT P1- TRUE COY OF THE CERTIFICATE OF REGISTRATION ISSUED TO THE PETITIONER UNDER THE VALUE ADDED TAX ACT.
- EXT P2- TRUE COPY OF THE LICENCE ISSUED TO THE PETITIONER UNDER THE FOOD SUPPLY AND STANDARD AUTHORITY OF INDIA ACT.
- EXT P3- TRUE COPY OF THE LICENCE ISSUED BY THE NELLANADU PANCHAYAT.
- EXT P4- TRUE COPY OF THE INVOICE NO.20 DATED 09/06/2015 RAISED BY THE PETITIONER IN FAVOUR OF KS TRADING COMPANY RICE MERCHANT, KALADY.
- EXT P4(A)- TRUE COPY OF THE INVOICE NO.21 DATED 09/06/2015 RAISED BY THE PETITIONER IN FAVOUR OF KS TRADING COMPANY RICE MERCHANT, KALADY.
- EXT P5- TRUE COPY OF THE FIR 1251 OF 2015 REGISTERED BY KOLLAM EAST POLICE STATION.
- EXT P6- TRUE COPY OF THE PETITION DATED 08/07/2015 PREFERRED BEFORE THE 1ST RESPONDENT.
- EXT. P7- TRUE COPY OF THE REPORT DATED 9.6.2015 ISSUED BY THE T.S.O.KOLLAM ALONG WITH THE COVERING LETTER DATED 15.7.2015 ISSUED BY THE STATE PUBLIC INFORMATION OFFICE.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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K. VINOD CHANDRAN, J.

W.P(C). No.20809 of 2015

Dated this the 29th day of July, 2015.

JUDGMENT

The petitioner is aggrieved with the fact that the petitioner's goods transported in the lorry were seized by the 3rd respondent on the allegation that the goods transported is rice, which is intended to be distributed in the Public Distribution System (PBS). The petitioner has now submitted Ext.P7 report of the Taluk Supply Officer to the 3rd respondent. It is clearly found that the goods transported was rice in plastic bags with the brand name and that too, of a large quantity.

2. The learned Government Pleader however would contend that, there is a statement in Ext.P7 that the sample analysis revealed that the rice is similar to that distributed in Public Distribution System (PBS). This cannot definitely lead to any finding that the rice transported by the petitioner is that intended

to be distributed under the Public Distribution System (PBS).

In any event, pending proceedings, it is only proper that the goods be released on the petitioner executing a simple bond for the value as determined by the 2nd respondent without sureties. On the petitioner executing such bond, the goods shall be immediately released and further proceedings, if advised, can be proceeded against the petitioner in accordance with law.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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