

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 23328 of 2015 (M)

PETITIONER(S) :

- 1. K.KRISHNA PILLAI
PROPRIETOR, MELATHIL HOLLOW BRICKS, VELLACHIPARAI
PANACHAMOODU, KANYAKUMARI DISTRICT, TAMIL NADU.**
- 2. AISHWARYA IMPEX,
DOOR NO. 16/159B, OTTAMARAM, KALIYIKKAVILAI P.O.
KANYAKUMARI DISTRICT, TAMIL NADU - 629 153
REPRESENTED BY ITS GENERAL MANAGER.**

**BY ADVS.SMT.S.K.DEVI
SRI.SANTHOSH P.ABRAHAM**

RESPONDENT(S) :

- 1. THE INTELLIGENCE INSPECTOR
SQUAD NO. VI, COMMERCIAL TAXES, NEDUMANGAD
THIRUVANANTHAPURAM - 695 541.**
- 2. THE INTELLIGENCE OFFICER,
SQUAD NO. VI, COMMERCIAL TAXES, NEDUMANGAD
THIRUVANANTHAPURAM -695 541.**
- 3. THE DEPUTY COMMISSIONER (INTELLIGENCE),
COMMERCIAL TAXES, TAX TOWER, KARAMANA
THIRUVANANTHAPURAM - 695 002.**
- 4. THE COMMISSIONER,
COMMERCIAL TAXES, TAX TOWER, KARAMANA
THIRUVANANTHAPURAM- 695 002.**
- 5. THE SUB INSPECTOR OF POLICE,
VELLARADA POLICE STATION
THIRUVANANTHAPURAM - 695 505.**

R1 TO R5 BY SR.GOV'T. PLEADER SMT. SHOBA ANNAMMA EAPEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 23328 of 2015 (M)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1- TRUE COPY OF THE HIGH SEA SALE CONTRACT DATED 13/10/2014.

EXHIBIT-P1(a)-TRUE COPY OF INVOICE NO. 12/IMP/2014 DATED 13/10/2014.

EXHIBIT-P2- TRUE COPY OF FORM KK NO. 27 DATED 30/10/2014.

EXHIBIT-P3- TRUE COPY OF THE INVOICE NO.11 DATED 31/10/2014.

EXHIBIT-P4- TRUE COPY OF THE ROUGH ROUTE MAP.

EXHIBIT-P5- TRUE COPY OF THE NOTICE NO. OR- 282/14-15 DATED 31/10/2014
ISSUED BY THE 1ST RESPONDENT.

EXHIBIT-P6- TRUE COPY OF THE REQUEST DATED 01/11/2014 FILED BY THE 2ND
PETITIONER BEFORE THE 3RD RESPONDENT.

EXHIBIT-P7- TRUE COPY OF THE NOTICE NO. OR 282/14-15 (REVISED) DATED NIL
ISSUED BY THE 1ST RESPONDENT.

EXHIBIT-P8- TRUE COPY OF THE RECEIPT NO. 5278393 DATED 01/11/2014 ISSUED
BY THE 1ST RESPONDENT.

EXHIBIT-P9- TRUE COPY OF THE ROUTE MAP ISSUED BY THE VILLAGE
ADMINISTRATIVE OFFICER, MANCODE.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.23328 of 2015

Dated this the 12th day of August, 2015

JUDGMENT

Petitioners have approached this Court challenging detention notice. The main contention of the petitioners is that the fifth respondent police intercepted the vehicle in which the goods carried at Puliyoorsalai in Tamil Nadu and handed over to the first respondent. It is submitted that the goods never intend to be sold in Kerala . Therefore, the detention notice is illegal.

2. It is admitted that the petitioners have deposited the amount demanded for the purpose of release.

3. Essentially, the question raised by the petitioners is regarding jurisdiction. Certainly, that issue has to be decided in the adjudication and not in the writ petition. The petitioners are free to raise the question regarding jurisdiction before the adjudicating authority. Leaving open the issue, the writ petition is disposed of. The adjudication shall be completed by the respondents within a period of three months after issuing notice to the petitioners.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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