

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 29017 of 2015 (B)

PETITIONER(S):

**ABDUL ARIF, SON OF MUSTHAF, A,
BAITHUL KALFAN, ISSATH NAGAR,
VIDYANAGAR, KASARAGOD DISTRICT.**

**BY ADVS.SRI.S.ANIL KUMAR (TRIVANDRUM),
SRI.K.S.HARIHARAN NAIR,
SRI.K.UMAMAHESWAR.**

RESPONDENT(S):

- 1. INTELLIGENCE INSPECTOR, SQUAD NO.III,
COMMERCIAL TAXES, KASARAGOD-671 121.**
- 2. INTELLIGENCE OFFICER, SQUAD NO.III,
COMMERCIAL TAXES, KASARAGOD-671 121.**
- 3. DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES, NIRMAL ARCADE,
ERANHIPALAM, KOZHIKODE-673 006.**

BY GOVT. PLEADER SRI.LIJU V.STEPHEN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE INDIAN PASSPORT NO.K8499796.
- EXT.P2 COPY OF THE NOTICE DATED 07/07/2015 ISSUED BY THE
1ST RESPONDENT.
- EXT.P3 COPY OF THE NOTICE DATED 12/08/2015 ISSUED BY THE
2ND RESPONDENT.
- EXT.P4 COPY OF THE REPLY DATED 22/08/2015.
- EXT.P5 COPY OF THE ORDER DATED 22/08/2015 ISSUED BY THE
2ND RESPONDENT.
- EXT.P6 COPY OF THE MEMORANDUM AGAINST EXT.P5 FILED BEFORE THE
3RD RESPONDENT.
- EXT.P7 COPY OF THE STAY PETITION FILED IN EXT.P6 APPEAL.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.29017 of 2015

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Dated this the 28th day of September, 2015

J U D G M E N T

Pursuant to the detention of a consignment of goods that was being transported at the instance of the petitioner, the 2nd respondent passed Ext.P5 order imposing penalty on the petitioner. Against Ext.P5 order of penalty, the petitioner had preferred Ext.P6 revision petition as also Ext.P7 stay petition before the 3rd respondent. The grievance of the petitioner in the writ petition is that, on account of the delay in the disposal of Ext.P7 stay petition, the goods that were detained have not been released to the petitioner and any further delay will result in a deterioration of the goods.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar and taking note of the urgency projected on behalf of the petitioner, I direct the 3rd respondent to consider and pass orders on Ext.P7 stay petition preferred by the petitioner within a period of two weeks from the date of receipt of a copy of this judgment, after hearing the petitioner. Taking note of the contentions of the petitioner with

regard to release of the goods, I make it clear that, while considering Ext.P7 stay petition, the 3rd respondent shall also consider the prayer of the petitioner for release of the goods that are detained by the 1st respondent, pending disposal of the revision petition.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns