

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

SUNDAY, THE 12TH DAY OF OCTOBER 2014/20TH ASWINA, 1936

WP(C).No. 31044 of 2015 (E)

PETITIONER(S):

**M/S. MR. CLEAN CAR WASH,
537A, PALARIVATTAM-THAMMANAM ROAD,
KOCHI-682025, REPRESENTED BY THE MANAGING PARTNER
P.RAMADEVI.**

BY ADV. SRI.C.K.THANU PILLAI

RESPONDENT(S):

**THE COMMERCIAL TAX INSPECTOR,
COMMERCIAL TAXES CHECK POST,
BANGARA MANJESWAR,
KASARAGODE DISTRICT-671323.**

BY GOVERNMENT PLEADER SRI.LIJU V.STEPHEN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-10-2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF NOTICE NO.PCB/EKM/DO-1/OA-1307/15 DATED 3/9/15 ISSUED BY THE ASSISTANT ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, KOCHI**
- P2: COPY OF TAX INVOICE NO.T-59 DATED 23/9/ISSUED BY M/S.NISSASN CLEAN INDIA PVT.LTD. AHAMEDABAD.**
- P3: COPY OF CERTIFICATE OF OWNERSHIP IN FORM NO.16 NO.6985874407/2015 DOWEN LOADED AND PRODUCED BY THE PETITIONER**
- P4: COPY OF TRANSACTION SLIP NO.320000/PA.01/82398/22015 DATED 25/9/15 RECEIVED BY M/S.NISSAN CLEAN INDIA PVT.LTD.**
- P5: COPY OF NOTICE NO.268/15-16 DATED 6/10/ISSUED BY THE RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.31044 OF 2015 (E)

Dated this the 12th day of October, 2015

J U D G M E N T

The petitioner is aggrieved by Ext.P5 notice issued to her, detaining a consignment of car washing machinery, that was being transported at the instance of the petitioner. In the writ petition, the petitioner is aggrieved by the insistence of the respondent that the petitioner must pay the security deposit demanded in the detention notice as a condition for release of the goods and vehicle.

2. I have heard the learned counsel appearing for the petitioner and also the learned Government Pleader appearing for the respondent.

3. On a consideration of the facts and circumstances of the case and the submissions made across the Bar, I dispose the writ petition with the following directions:

(i) On a perusal of Ext.P5 notice, it is seen that the objection of the respondent is essentially that along with the car washing machinery, there was no valid

document produced to show purchasing of any washing liquid which would have been used along with the car washing machinery for washing cars. Counsel for the petitioner would submit that the car washing machine was being brought for installation at a car washing facility in Cochin, and the transportation was duly accompanied by an invoice along with Ext.P3 certificate of ownership in Form No.16. Taking note of the said submission, I direct the respondent to release the goods and the vehicle subject to the petitioner furnishing a simple bond without sureties for the security deposit demanded in Ext.P5 notice, before the respondent.

(ii) The respondent shall thereafter transmit the files to the adjudicating authority, who shall adjudicate the matter and pass orders, after hearing the petitioner, within two months from the date of receipt of a copy of this judgment, untrammelled by the observations in this judgment.

(iii) The petitioner shall produce a copy of this judgment and a copy of the writ petition before the respondent.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp