

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 38949 of 2015 (P)

PETITIONER:

**ABDUL NAZAR P.T., PROPRIETOR,
ATHANIKKAL SANDS, K.P.BUILDING,
TP 15/374, THUVOOR PANCHAYATH,
THUVOOR P.O- PIN - 679 327,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.P.SAMSUDIN
SRI.K.C.ANTONY MATHEW
SRI.JITHIN LUKOSE**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO THE GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. DISTRICT COLLECTOR, KASARGOD - 671 123.**
- 3. REVENUE DIVISIONAL OFFICER,
HOSDURG - 671 301, KASARGODE.**
- 4. DEPUTY TAHSILDAR, HOSDURG - 671 301,
KASARGODE.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF THE CERTIFICATE OF REGISTRATION DATED 20.7.13
ISSUED BY THE COMMERCIAL TAXES DEPARTMENT.
- EXT. P2 : TRUE COPY OF THE GOVERNMENT ORDER (M.S)NO.161/09/ID DATED
14.12.09.
- EXT. P3 : TRUE COPY OF THE GOVERNMENT ORDER
NO.58289/P3/2010/REVENUE DATED 11.11.2010.
- EXT. P4 : TRUE COPY OF THE ADVANCE TAX PAYMENT RECEIPT
DATED 11.12.2015.
- EXT. P5 : TRUE COPY OF THE DELIVERY NOTE.
- EXT. P6 : TRUE COPY OF THE SEIZURE MAHASAR DATED NIL.
- EXT. P7 : TRUE COPY OF THE INTERIM ORDER IN IA.NO.11574/2014 IN
WP(C)NO.22084/2014.
- EXT. P8 : TRUE COPY OF THE LETTER ISSUED BY TAHASILDAR
RAGHUNATHAPUR, ODISHA.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.38949 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

The petitioner submits that he is engaged in the business of importing river sand from other States than Kerala. The petitioner has approached this Court challenging the interception of the vehicle carrying river sand from outside the State. The petitioner seeks a direction not to seize the vehicles, which are carrying sand from other States.

2. The petitioner refers to Ext.P3 Government Order issued by the Additional Chief Secretary. Ext.P3 states that the sand brought from other States need not be detained, if the vehicles transporting sand possess proper sales tax receipts.

3. In view of the above, this Court is of the view that if the petitioner produces the following documents, the vehicle of the petitioner shall not be detained:

- i. Documents showing that the river sand is transported from other States.

- ii. Documents showing payment of sales tax under the Kerala VAT Act.

The petitioner is bound to keep the above documents in the vehicle, which transports sand from outside Kerala.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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