

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2016

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.13178 of 2016 and
W.M.P.Nos.11549 & 11550 of 2016

MRF Ltd.,
Vadavathur, Kottayam,
Kerala.

... Petitioner

Vs.

Deputy Commercial Tax Officer,
Katpadi Checkpost,
Katpadi - 632 007.

... Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the respondent in G.D.No.1739/2015-16 dated 28.03.2016 and to quash the same and to direct the respondent to release the detained goods of the petitioner.

For Petitioner : Mr.M.V.Swaroop

For Respondent : Mr.S.Kanmani Annamalai,
Additional Government Pleader (Tax)

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records of the respondent dated 28.03.2016 and to quash the same and to direct the respondent to release the detained goods of the petitioner.

2.It is the case of the petitioner that the goods were detained by the respondent under the Goods Detention Notice dated 24.03.2016. It is the case of the respondent that consequent to the Goods Detention Notice dated 24.03.2016, neither the driver nor the consignor nor the consignee appeared before their office with documentary evidence to establish their case. The learned counsel for the petitioner submitted that since the goods were detained by the respondent, the petitioner is put to hardship and prejudice. Further, the learned counsel submitted that the petitioner is willing to pay the One Time Tax amount of Rs.79,256/-, which was quantified by the respondent.

3.Mr.S.Kanmani Annamalai, learned Additional Government Pleader (Tax) taking notice for the respondent submitted that on payment of the One Time Tax amount, the respondent may be directed to release the goods.

4.In view of the submissions made by the learned counsel on either side, I direct the respondent to release the goods on payment of One Time Tax amount of Rs.79,256/-, forthwith. With regard to the other issues involved in the impugned order, it is open to the petitioner to challenge the same by way of a revision before the appropriate authority.

5.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

va

To

The Deputy Commercial Tax Officer,
Katpadi Checkpost,
Katpadi - 632 007.

1 cc to M/s.M.V. Swaroop, Advocate, Sr. 22047

1 cc to the Special Government Pleader, Sr. 22397

W.P.No.13178 of 2016 and
W.M.P.Nos.11549 & 11550 of 2016

VD (CO)
kk 7/4

WEB COPY