

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HON'BLE **MR.JUSTICE T.S.SIVAGNANAM**

Contempt Petition No.1847 of 2016

R.Kannan

.. Petitioner

Vs.

1. Mrs. D.Padmavathi,
Deputy Commissioner (CT) (Enforcement Wing),
Pitchards Road,
Hasthampatty, Salem - 7

2. Mr. S.Gnanakumar,
Joint Commissioner (CT) (Enforcement Wing),
Pitchards Road, Hasthampatty,
Salem - 7

.. Respondents

Contempt Petition, filed under Section 11 of the
Contempt of Courts Act, 1971, to punish the respondents for
willful disobedience of the order, dated 05.07.2016, passed
in W.P.No.23207 of 2016.

For Petitioner : Mr.G.Murugendran

For Respondents : Mr. S.Kanmani Annamalai,
Additional Government Pleader

O R D E R

Heard Mr.G.Murugendran, the learned counsel
appearing for the petitioner, and Mr.S.Kanmani Annamalai,
learned Additional Government Pleader appearing for the
respondents.

2. It is submitted by the learned counsel appearing for the petitioner that the Writ Appeal filed by the Department, in W.A.No.994 of 2016, was disposed of by the Hon'ble Division Bench, by its judgement, dated 09.09.2016, but, there is no challenge to the order passed by the Court in the Writ Petition. In para No.3 of the judgment, the Hon'ble Division Bench has culled out the observation made in the Writ Petition, dated 05.07.2016, of which, condition No.iv would be relevant to extract, which is as follows:-

"The goods in question shall be released only to its true owner, upon production of the certificate of ownership, or an undertaking affidavit of the ownership, faithfully disclosing the true identity of the individual, who is claiming ownership of the goods together with proof of identity. Obligation to indemnify the Department against any possible third party claim of ownership arising at any later point of time regarding the goods in question, is recorded. "

3. The learned Additional Government Pleader, on instructions from respondents would submit that the Commercial Tax Officer, (Enforcement) Rowing Squad No.1, Salem, has issued a notice to the petitioner, on 29.09.2016, in compliance of the direction issued by the Hon'ble Division Bench, and it is stated that the petitioner has not produced those details before the Officer.

4. The learned counsel appearing for the petitioner vehemently submitted that, everyday, the petitioner is sitting in the Office of the respondents, but, on account of some other issue, the goods have not been released.

5. In any event, the respondents are bound to comply with the direction issued by the Hon'ble Division Bench, in its judgment, dated 09.09.2016, and to facilitate that process, there will be a direction to the petitioner to appear before the Commercial Tax Officer, (Enforcement) Rowing Squad No.1, Salem, who has issued the notice dated 29.09.2016, on 7th October, 2016, at 3.00 p.m. and produce all the documents, after which, the competent authority shall comply with the direction of the Hon'ble Division Bench.

6. With the above direction, the Contempt Petition is disposed of. No costs.

सत्यमेव जयते

Sd/-
JOINT REGISTRAR(OS)

sd

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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SS/CO/05/10/2016

To

<https://hcservices.ecourts.gov.in/hcservices/>

The Commercial Tax Officer(Enforcement)
Rowing Squad No.1, Salem.