

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAISWAMY

W.P.No.4008 of 2016

M/s.TUV SUD South Asia Pvt. Ltd.
Represented by its M.Suresh Mohan
Deputy General Manager
No.A151 2nd C Main, 2nd Stage
Peenya Industrial Estate
Bangalore-560 058, India ... Petitioner

v.

Spl. Deputy Commercial Tax Officer &
Checkpoint Officer
Bannari, Erode Dist. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to release the consignment and vehicle No.TN.38 BJ 7639 detained on 28.12.2015 immediately and issue such further writ order or direction as this Honourable Court.

For Petitioner : Mr.P.Senniappan

For Respondent : Mr.Manoharan Sundaram
Addl. Govt. Pleader

ORDER

The petitioner has filed the above writ petition to issue a writ of Mandamus, directing the respondent to release the consignment and vehicle No.TN.38 BJ 7639 detained on 28.12.2015.

2. According to the petitioner, they had transported the goods, viz., Washing Machine, Air Compressor, Textile Lab Consumable for his own use from his office at Bangalore to his Branch Office at Tiuupur with proforma invoice dated 27.12.2015, in which the petitioner has specifically mentioned that TIN Number "Not applicable" for the reason that those goods are non-commercial transaction and goods are transferring within

M/s.TUV SUD South Asia Pvt. Limited, Branch Inter Office, for transportation purpose.

3. Mr.Manoharan Sundaram, learned Additional Government Pleader takes notice for the respondent and submitted that the petitioner had approached this court even without challenging the detention order. However, the petitioner may be directed to make a representation before the Checkpost Officer and the Checkpost Officer may be directed to consider the representation of the petitioner, on merits and in accordance with law and pass orders, within a stipulated time.

4. Having regard to the submissions made by the learned counsel on either side, I am of the view that the petitioner can be given liberty to approach the Checkpost Officer and submit their representation and in the case of the Checkpost Officer being satisfied with the submissions made by the petitioner, the Checkpost Officer may consider the release of the consignment and vehicle No.TN.38 BJ 7639, within three days from the date of submission of the representation. The Checkpost Officer shall also consider the road permit issued by the State of Karnataka dated 16.12.2015.

With these observations, the writ petition is disposed of No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

Spl. Deputy Commercial Tax Officer &
Checkpost Officer
Bannari, Erode Dist.

+1cc to Mr.P.Senniappan, Advocate, S.R.No.6825

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ak(CO)
srg(03/02/2016)