

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.4134 of 2016

R.Murugan

.. Petitioner

v.

The Commercial Tax Officer
Enforcement Wing)
Roving Squad, Old Court Buildings
Opposite to BSNL Office
Mohanur Road
Namakkal-637001.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to release the vehicle bearing No.KA 05/ AF-0658 as requested by the petitioner vide representation dated 28.1.2016

For Petitioner : Mr.K.Selvarangan

For Respondent : Mr.Manoharan Sundaram
Addl. Govt. Pleader (T)

ORDER

The petitioner has filed the above writ petition to issue a writ of Mandamus, directing the respondent to release the vehicle bearing No.KA 05/AF-0658 as requested by the petitioner vide representation dated 28.1.2016.

2. The petitioner is the driver of the vehicle bearing Registration No.KA 05/AF-0658 transporting 300 bundles of Sunfeast biscuits from Bangalore to Madurai. The said vehicle was detained by the respondent on 05.12.2015 for verification. After verification, the respondent informed that the bundles did not contain the biscuits but contained cigarettes in respect of which no documents were available with the vehicle. Therefore, the consignment as well as the vehicle have been detained by the respondent for further course of action in accordance with the procedure as contemplated under the Tamil Nadu Value Added Tax Act, 2006. Immediately after the receipt of the detention notice from the respondent, the petitioner contacted the owner of the vehicle and explained the said fact, who, in turn, gave information to the owner of the consignment for taking appropriate action for the release of the consignment.

3. Mr.Manoharan Sundaram, learned Additional Government Pleader takes notice for the respondent and submitted that since the petitioner is not seeking for the release of the consignment and he is seeking only for the release of the vehicle, the said vehicle may be released to the petitioner.

4. Having regard to the submissions made by the learned counsel on either side, since the dispute is only with regard to the consignment, which has been detained by the respondent, I direct the respondent to release the vehicle bearing Registration No.KA 05/AF-0658 on production of copy of this order.

With the above direction, the writ petition is allowed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

Rj

To

The Commercial Tax Officer
(Enforcement Wing)
Roving Squad, Old Court Buildings
Opposite to BSNL Office
Mohanur Road
Namakkal-637001.

1 cc to Mr.K. Selvarangan, Advocate, Sr. 7481
1 cc to Spl.Government Pleader, Sr. 7737

W.P.No.4134 of 2016

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LRS (CO)
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