

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.6451 of 2016 &

W.M.P.No.5735 of 2016

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

vs

The Commercial Tax Officer &
Checkpoint Officer
Bannari,
Erode District .. Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records on the file of the respondent in GDR.No. 7193/ 15-16, dated 5.2.2016 and quash the same as being without jurisdiction and authority of law and contrary to the direction issued by this Honourable Court in W.P. No. 4008/2016, dated 3.2.2016.

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 Certiorari to call for the records on the file of the respondent dated 5.2.2016 and to quash the same as being without jurisdiction and authority of law and contrary to the direction issued by this Honourable Court in W.P. No. 4008

of 2016, dated 3.2.2016.

2. By order dated 3.2.2016, this court, gave liberty to the petitioner 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 was to consider the release of the consignment and vehicle No.TN.38 BJ 7639, within three days from the date of submission of the representation. Further, the Checkpost Officer was also directed to consider the road permit issued by the State of Karnataka dated 16.12.2015.

3. Now, by order dated 05.02.2016, the respondent had passed the impugned order even without considering the road permit and the representation made by the petitioner. Even without reading the order passed in W.P. No. 4008 of 2016, dated 3.2.2016 and the representation made by the petitioner on 5.2.2016, the respondent had asked the petitioner to pay the tax amount as in GDR, within seven days.

4. Since the respondent has not considered the road permit and the representation of the petitioner dated 5.2.2016, in spite of the order passed by this court on 03.02.2015, the impugned order dated 5.2.2015 is liable to be set aside. Accordingly, the same is set aside. The respondent is directed to release the goods and the vehicle bearing Registration No.TN.38 BJ 7639 forthwith, on production of a copy of this order.

With these observations, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Rj

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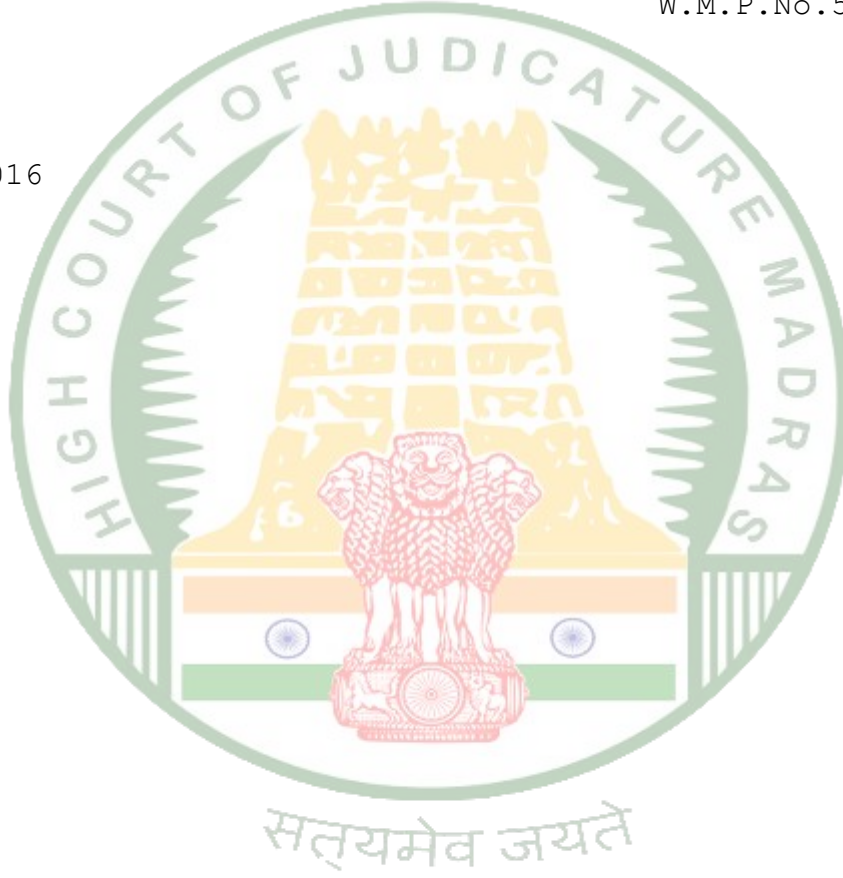
To

The Commercial Tax Officer &
Checkpoint Officer
Bannari,
Erode District

+1 cc to Mr.R.Senniappan Advocate sr.11003

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