IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.Nos.6762 and 6763 of 2017
&
W.M.P.Nos.7318 and 7319 of 2017

M/s.Kamakhya Trading Co,
Rep. By its Autorised Signatory,
Mr.Navin Agarwal,
Room No.3, 3 No. Mother Dairy Gate,
Dankuni 712 310,
Hooghly, West Bengal. ....Petitioner in both the W.Ps.

Vs.

The Deputy Commercial Tax Officer,
And Check Post Officer,
K.G.Chavadi Check Post (Outgoing),
Coimbatore 641 105. ....Respondents in both the W.Ps.

Common Prayer:

Petitions filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records of the respondent in GDR No.1697/2016-2017 and GDR No.1700/2016-2017 respectively dated 08.03.2017 and quash the same.

For Petitioner ...Mr.S.Raveekumar

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

C O M M O N   O R D E R

In both these writ petitions filed by the same petitioner, challenge is made against the goods detention order cum show cause notice for compounding of offence.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

3.It is stated that the subject matter vehicles in both the writ petitions were detained by the respondent on the reason that the petitioner has not furnished the transit pass issued by the first check post. It is further stated that the petitioner did not obtain such transit pass inadvertently and immediately on coming to know such lapse, they went back and obtained the same from the first check post. Therefore, it is contended that the petitioner is having all the material documents for transporting the goods and therefore, the impugned proceedings cannot be sustained.

4.Learned Additional Government Pleader based on instructions submitted that the petitioner was not having the transit pass issued by the first check post at the time of inspection and therefore, the goods were rightly detained. However, he fairly submitted that the fine that could be levied on the petitioner for not having such transit pass will be only a sum of Rs.2,000/- and if the petitioner pays the same, the respondent will release the goods.

5.Learned counsel for the petitioner relied on a decision made by this court in W.P.No.39776 of 2015 dated 07.01.2016 in support of their contention that the goods have to be released on payment of Rs.2000/- only as fine.

6.Learned Additional Government Pleader appearing for the respondent is not disputing the fact that the above decision made by this court is equally applicable to the present case as well.

7.Considering the above stated facts and circumstances and considering the fact that the only lapse on the part of the petitioner is not having the transit pass at the relevant point of time for which only fine amount of Rs.2000/- is leviable, I am of the view that the petitioner is entitled to get the goods released on payment of Rs.2000/- (Rupees Two Thousand) in each matter towards fine for the purpose of release of goods. Accordingly, the writ petitions are disposed of by directing the petitioner to pay a sum of Rs.2,000/- towards fine for the purpose of release of goods and on such payment along with the necessary copies of documents, the respondent shall release the goods to the petitioner forthwith. No costs. The connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To
The Deputy Commercial Tax Officer,
and Check Post Officer,
K.G.Chevadi Check Post(Out going)
Coimbatore 641 105

+ 2cc to Mr.S.RaveeKumar,Advocate, SR.18469, 18468

W.P.Nos.6762 and 6763 of 2017

RSY(CO)
GN(24/03/2017)