

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

W.P.No.42785 of 2017

Date: 19.12.2017

Between:

M/s.V.N.Exports,
Survey No.591/1, Konidena Road,
Martur-523 301, Prakasam district,
A.P., rep. by its Proprietrix
Smt.Devi Kunchala ... Petitioner

And

The Deputy Commissioner (ST), Enforcement,
O/o. the Chief Commissioner (ST),
Andhra Pradesh at Edupugallu,
Near Vijayawada, Krishna district, A.P.,
and three others ... Respondents

Counsel for the Petitioner : Mr. P.Girish Kumar

Counsel for the Respondents : Mr. Shaik Jeelani Basha
Special Standing Counsel for
Commercial Tax (AP)

The Court made the following:

Order : (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for issue of mandamus, to declare the action of the respondent No.1 in detaining polished granite slabs along with the goods vehicle bearing registration No.MH 18 BA 2298 on 06.12.2017, as illegal and arbitrary.

2. Today, by a separate order, we have disposed of W.P.Nos.42762 of 2017 and batch, *inter alia*, directing the respondents to release the seized granite and goods vehicles to the respective petitioners therein, subject to certain conditions.

3. The learned counsel for the petitioner submitted that though as in the aforementioned other cases, the goods in the instant case were also accompanied by tax invoices, the Assistant Commissioner (ST), Enforcement wing, has not noted the same in his report. The learned Special Standing Counsel for Commercial Taxes, however submitted that at the time of seizure, the driver could not produce any documents, including tax invoice. Admittedly, confiscation proceedings are pending before the respondent No.1 Therefore, this aspect is required to be adjudicated by him in the said proceedings.

4. As the facts of this case are similar to those in W.P.Nos.42762 of 2017 and batch, except to the extent that the consignment was allegedly not accompanied by any documents, we are inclined to dispose of this writ petition, following the order in W.P.No.42762 of

2017 and batch. Accordingly, the writ petition is disposed of, with a direction that the observations and directions contained therein, shall form part of this order.

5. As a sequel, W.P.M.P.No.53055 of 2017 filed by the petitioner for interim relief, is disposed of infructuous.

(C.V.Nagarjuna Reddy, J)

(M.S.K.Jaiswal, J)

Date: 19th December, 2017

msb

