

Kerala High Court

Indus Viva Healthsciences Pvt. ... vs State Of Kerala on 14 September, 2015

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 30TH DAY OF MARCH 2016/10TH CHAITHRA, 1938

WP(C).No. 9890 of 2016 (I)

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PETITIONER(S):

INDUS VIVA HEALTHSCIENCES PVT. LTD.,  
22ND FLOOR, BRIHADE GATEWAY, RAJAJI NAGAR EXTENSION,  
BANGALORE, PIN - 560 055,  
REPRESENTED BY ITS MANAGER OF COCHIN OFFICE  
MR. MANJESH D.S., AT 30/1547-F 17, GROUND FLOOR,  
GOLD SOUKE GRANDE, KANAYANNUR TALUK, ERNAKULAM,  
COCHIN - 682 019.

BY ADVS. SRI.P.K.IBRAHIM  
SMT.M.H.BINDU  
SMT.K.P.AMBIKA  
SMT.A.A.SHIBI  
SRI.A.L.NAVANEETH KRISHNAN

RESPONDENT(S):

1. STATE OF KERALA,  
DEPARTMENT OF TAXES(C) SECRETARIAT,  
THIRUVANANTHAPURAM, PIN - 695 001.
2. THE STATE POLICE CHIEF,  
POLICE HEAD QUARTERS, THIRUVANANTHAPURAM - 695 001.

BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 30-03-2016, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

rvs.

WP(C).No. 9890 of 2016 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 TRUE COPY OF THE CIRCULAR DATED 14-09-2015 ISSUED BY THE  
1ST RESPONDENT

EXHIBIT P2 TRUE COPY OF THE CERTIFICATE OF REGISTRATION UNDER  
KERALA VAT ACT AND RULES DATED 8-12-2015 ISSUED BY THE  
COMMERCIAL TAXES DEPARTMENT

EXHIBIT P3 TRUE COPY OF THE PETITION SUBMITTED BEFORE THE 2ND  
RESPONDENT

RESPONDENT(S)' EXHIBITS:

NIL.

/TRUE COPY/

P.A. TO JUDGE

rvs.

A. MUHAMED MUSTAQUE, J.

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W.P.(C).No. 9890 of 2016  
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Dated this the 30th day of March, 2016

JUDGMENT

The petitioner is engaged in a multi level marketing business. The petitioner approached this Court alleging harassment by the police officials by interfering with the direct selling business of the petitioner. The petitioner also refers to Ext.P1 guidelines issued by the Government.

2. This Court is of the view that if any police officials want to proceed against the petitioner, certainly, they shall proceed only after verifying the nature of the business conducted by the petitioner; without verifying the petitioner's explanation, the police shall not proceed against the petitioner. It is to be noted that the police officials will have to strictly follow the Government of Kerala guidelines produced as per Ext.P1. It is only when, there is a deviation of the mode of business as referred in Ext.P1, the Police can interfere in this matter. It is made clear that if the petitioner's business involves any money chain activity, the Police is free to proceed against the petitioner in accordance with law.

The writ petition is disposed of as above.

Sd/-

A. MUHAMED MUSTAQUE JUDGE bpr