

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 21ST DAY OF APRIL 2015/1ST VAISAKHA, 1937

CrI.MC.No. 2334 of 2015 ()

PETITIONER:

**UNAIS, AGED 23 YEARS,
S/O. ALI, KALATHINGAL HOUSE, MOOLAPPURAM,
VAZHAYOOR, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS/STATE:

- 1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM, KOCHI 682 031**
- 2. THE TAHSILDAR,
KONDOTTY TALUK, MALAPPURAM DISTRICT, PIN 673 638

BY PUBLIC PROSECUTOR SRI.EGY N. ELIAS**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

CrI.MC.No. 2334 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**ANNEXURE A: TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE 2ND
RESPONDENT DATED,24-05-2014**

RESPONDENT(S)' EXHIBITS : NIL

OKB

True copy

PA. to Judge

K.HARILAL, J.

Crl.M.C. No.2334 of 2015

Dated this the 21st day of April, 2015.

O R D E R

The petitioner herein is the owner of a mini lorry bearing Regn. No.KL-10T/8781. The above vehicle was seized on 24-5-2014 by the second respondent Tahsildar on the allegation of illegal transportation of river sand. After seizure, the said fact was reported to the Revenue Divisional Officer by the second respondent. But the second respondent has not produced the vehicle before the concerned Magistrate's court, enabling the petitioner to file an application for interim custody of the vehicle, invoking the jurisdiction under Section 23A of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. Hence, the petitioner has sought for a direction to the second respondent to report the seizure of the vehicle to the concerned Magistrate's court and also to direct the learned

Magistrate to dispose the application for interim custody of the vehicle.

2. The learned Public Prosecutor, on instruction, submitted that the direction to produce the vehicle before the concerned Magistrate had already been issued to the second respondent and the second respondent will produce the vehicle without any delay.

3. In view of the above submission, the second respondent is directed to report the seizure of the vehicle to the Judicial First Class Magistrate's Court, Parappanangadi forthwith, and the petitioner is at liberty to file an application for interim custody of the vehicle. In that event, the learned Magistrate shall dispose the application at the earliest, after affording an opportunity of being heard to the petitioner.

This petition is allowed.

Sd/—
(K.HARILAL, JUDGE)

okb.