

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

W.P(C)No.350 of 2010(P)

PETITIONER:

PRAVEEN, AGED 42 YEARS, S/O.VELAYUDHAN,
1/297, THATTUPARA HOUSE, OKKAL, KOOVAPADY
PERUMBAVOOR (OWNER OF A MINI LORRY BEARING
REGISTRATION NO.KL-8-S-7237)

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

1. THE DISTRICT COLLECTOR, ERNAKULAM.
2. THE SUB INSPECTOR OF POLICE
KALADY POLICE STATION.

BY GOVT. PLEADER, SRI.S.JAMAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21.07.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

[P.T.O]

APPENDIX

PETITIONER'S EXHIBITS

- EXT.P1: TRUE COPY OF THE PASS DATED 23.04.2009 ISSUED BY
A SAND DEALER TO THE VEHICLE OF THE PETITIONER.
- EXT.P2: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE
COURT DATED 15.5.2009 IN W.P.(C)NO.13707 OF 2009
- EXT.P3: TRUE COPY OF THE ORDER DATED 4.8.2009 PASSED BY
THE FIRST RESPONDENT
- EXT.P4: TRUE COPY OF THE SAID ORDER DATED 11.12.2009
PASSED BY THE 1ST RESPONDENT
- EXT.P5: TRUE COPY OF THE ORDER DATED 17.12.2009 IN W.P.
(C)NO.36446 THIS HONOURABLE COURT

RESPONDENTS' EXHIBITS: Nil

//TRUE COPY//

PA TO JUDGE

PtK/

K. VINOD CHANDRAN, J

W.P(C) No. 350 of 2010

Dated this the 21st day of July, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P4 which is an order passed under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. Mulcted with a fine of Rs.50,000/-, the petitioner had obtained an interim order for release, on execution of a bond to the satisfaction of the 1st respondent. The petitioner mainly challenges Ext.P4 on the ground that the same has been issued without notice to him.

2. However, it is to be noticed that Ext.P4 is subsequent to Ext.P3 order. Earlier the District Collector had considered the issue, and a reading of Ext.P3 would indicate that on the petitioner's request, no confiscation proceedings were initiated, but, however, a fine of Rs.1 lakh was imposed. Subsequently, on

non-consideration of an application for release of the vehicle, the petitioner had approached this Court, and this Court directed reconsideration of the issue. The District Collector again reconsidered the issue and reduced the fine to Rs.50,000/-. This Court does not find any reason to interfere with the order. Since the petitioner submits that Rs.25,000/- has already been paid, the respondent authority would be entitled to recover the balance amount from the petitioner by appropriate proceedings, if the petitioner does not pay the balance amounts within two months from today. The respondent authority would be entitled to either recover the money by enforcing the bond executed by the petitioner or by seizure of the vehicle bearing registration No.KL-8-S-7237.

Writ petition is disposed of. No costs.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge