

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937201

W.P.(C).No.505 of 2010 (K)

PETITIONER(S):-

SATHEESH KUMAR A.K., S/O KUTTAPPAN, AGED 29 YEARS,
AMMANAPPUZHAYIL HOUSE, NARIYAPURAM P.O.,
VALLIKKODU VILLAGE, KOZHENCHERRY TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.SAKIR.K.H.

RESPONDENT(S):-

1. THE SUB INSPECTOR OF POLICE,
PANDALAM POLICE STATION.
2. THE DISTRICT COLLECTOR,
PATHANAMTHITTA DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER,
ADOOR, PATHANAMTHITTA DISTRICT.
4. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

R1 TO R4 BY GOVERNMENT PLEADER SRI.E.M.ABDUL KHADER.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.505 of 2010-K

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXHIBIT P1: TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE
PETITIONER'S VEHICLE BEARING REGISTRATION
NO.KL-03-3236.

EXHIBIT P2: TRUE COPY OF THE ORDER BEARING NO.C8-38898/09
DATED 23.12.2009 PASSED BY THE 2ND RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE INTERIM ORDER DATED 09.09.2009
PASSED BY THIS COURT IN ONE OF THE IDENTICAL CASE,
W.P.(C).NO.25496 OF 2009.

RESPONDENT(S)' EXHIBITS:-

NIL.

VKU/-

[TRUE COPY]

K. Vinod Chandran, J

W.P.(C).No.505 of 2010-K

Dated this the 26th day of June, 2015

JUDGMENT

The petitioner is the registered owner of a mini lorry, bearing registration No.KL-03-3236. The said lorry was seized by the respondents for violation of the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 [for short “the Act”]. The petitioner is aggrieved with the order passed by the District Collector under Section 20 read with Section 23 of the Act, produced at Exhibit P2. The District Collector has directed payment of Rs.70,000/- towards the River Management Fund. The petitioner challenges Exhibit P2 order.

2. A reading of Exhibit P2 would indicate that, factually it was found that the petitioner had been transporting river sand without any valid permit. It is also indicated in Exhibit P2 order that the vehicle of the petitioner was earlier also involved in very same offence. The value of the vehicle determined at Rs.70,000/- was on the petitioner's own admission. In such circumstance, no interference can be made to Exhibit P2 order.

3. This Court had, by an interim order dated 07.01.2010, directed release of the vehicle on payment of half of the total value of the vehicle determined at Exhibit P2. If on the basis of the said order the vehicle was released, the petitioner shall pay the balance amount within one month, failing which the vehicle shall be seized and sold.

The writ petition would stand dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]