

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C) .No. 2611 of 2009 (J)

PETITIONER(S) :

UDAYAKUMAR, AGED 36,
S/O. RAMAKRISHNAN, ANANDA NIVAS, PADHITHODI VEEDU
CHIRKKAPARAMBU, ANGADIPURAM.

BY ADVS.SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.R.LEELA

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY GOVERNMENT PLEADER
HIGH COURT OF KERALA, ERNAKULAM.

2. DISTRICT COLLECTOR,
MALAPPURAM

3. FAKRUDEEN,
S/O. HUSSAIN, THEKKAN VEEDU, ANGADIPURAM
PERUNTHILMANNA.

R1 AND R2 BY GOVERNMENT PLEADER SRI.SOJAN JAMES

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 2611 of 2009

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: COPY OF SALE AGREEMENT DATED 10.1.08.

EXHIBIT P2: COPYOF ORDER PASSED BY THE 2ND RESPONDENT DATED 13.8.08.

EXHIBIT P3: COPY OF RECEIPT ISSUED BY THE COURT BELOW DATED 11.3.08.

/TRUE COPY/

PS TO JUDGE

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 2611 of 2009

Dated this the 15th day of September, 2015

J U D G M E N T

The petitioner is aggrieved by Ext.P2 order passed by the 1st respondent under Section 27 of the Kerala Protection of the River Banks and Regulation of Sand Act directing the petitioner to deposit vehicle value of ₹25,000/- and a fine of ₹15,000/-.

2. The petitioner alleges that he was the owner of a goods vehicle bearing Reg.No.KL9-N-1815, which was seized by the revenue authorities on the allegation that the vehicle was involved in transporting illicit sand and the vehicle was brought to the Perinthalmanna Police Station. According to the petitioner, even before the date of the alleged seizure, he had transferred the vehicle to the name of the 3rd respondent; and the 3rd respondent is the present owner. It is with this background, the petitioner has come up before this Court.

3. I have perused the impugned order. The 2nd

..2..

respondent has directed a deposit of ₹25,000/- towards value of the vehicle and ₹15,000/- towards fine. The imposition of fine of ₹15,000/- is incompetent and the District Collector has no power to impose the fine as above. However, on going through the materials now placed on board, this Court feels that the direction to pay ₹25,000/- as the value of the vehicle does not call for an interference.

4. The learned senior Government Pleader, on instructions, would submit that the 3rd respondent has already approached this Court with Crl.M.C. No.907/2008, in which this Court has directed the release of the vehicle on deposit of ₹25,000/-.

As the 3rd respondent has obtained an order as above, it cannot be said that the petitioner is having any subsisting grievance at present. Therefore, the writ petition is closed.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-