

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 395 of 2015 (Y)

PETITIONER :

**MOHAMMED ASHRAF T.K.,
S/O.ABOOBACKER, THEKKUMKOLIL HOUSE,
CHEAKODE P.O., MALAPPURAM DISTRICT.**

BY ADV. SRI.T.KAJITH KUMAR

RESPONDENT(S):

- 1. THE SUB DIVISIONAL MAGISTRATE,
PERINTHALMANNA, PERINTHALMANNA P.O.,
MALAPPURAM DISTRICT-679 322.**
- 2. SUB INSPECTOR OF POLICE,
VAZHAKKAD, VAZHAKKAD P.O.,
MALAPPURAM DISTRICT-673 640.**

R1 & R2 BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.395/2015

APPENDIX

PETITIONER'S EXHIBITS: NIL

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 395 of 2015

Dated this the 7th day of January, 2015

J U D G M E N T

The petitioner is the owner of the 'Lorry' bearing registration No. **KL-11-Q-540**. According to the petitioner, in the course of transportation on 08.12.2014, the 2nd respondent seized the vehicle, alleging illegal transportation of sand. The custody still continues and the matter is still to be reported before the concerned Magistrate in spite of the mandate under Section 23A (2) of the Act 18 of 2001 and also by virtue of the law declared by this Court in **Aboobacker v. State of Kerala** (2014 (3) KLT 26).

2. Heard the learned Government Pleader as well.

3. In the above circumstance, the 2nd respondent is directed to take all necessary steps to report the seizure of vehicle bearing No.**KL-11-Q-540** before the concerned Magistrate at the earliest, at any rate, within 'one week'. It will be open for the petitioner to approach the concerned Magistrate's Court to get interim custody of the vehicle in accordance with law. This will not bar the way of the concerned respondent in proceeding with appropriate steps with regard to the confiscation proceedings in terms of the

relevant provisions of law. The writ petition is disposed of.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE

Pn