

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. 519 of 2015 (L)

PETITIONER(S) :

**PREMADASAN, AGED 58 YEARS,
S/O.SANKARAN, THANDALAYI HOUSE, PERUMUKKU,
ALAMCODE, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER, TIRUR
MALAPPURAM DISTRICT.**
- 2. THE SUB INSPECTOR OF POLICE,
CHANGARAMKULAM POLICE STATION, MALAPPURAM DISTRICT.**

BY 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:**

Msd.

WP(C).No. 519 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE SAND PASS ISSUED BY THE DISTRICT
ADMINISTRATION, MALAPPURAM DATED 17-12-2014.**

**EXHIBIT P2: TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY
THE 2ND RESPONDENT DATED 23-12-2014.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.519 of 2015

Dated this the 7th day of January, 2015

JUDGMENT

The petitioner is the owner of a mini lorry/goods carriage bearing registration No.**KL-10M/9221**. According to the petitioner, in the course of transportation of river sand on 23.12.2014, the second respondent seized the vehicle, alleging illegal transportation of river 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-10M/9221** 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 this judgment, along with a copy of the writ petition, before the concerned respondent, for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE**

sp