

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. 528 of 2015 (M)

PETITIONER :

**P.HARIDASAN, AGED 37 YEARS
S/O.RAJENDRAN, RESIDING AT PEZHUMKATTIL HOUSE
KOTHAYUR, VANIYAMKULAM P.O., PALAKKAD.**

BY ADV. SRI. P. DEEPAK

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR,
PALAKKAD - 678 001.**
- 2. THE SUB COLLECTOR,
OTTAPALAM - 678 101.**
- 3. THE VILLAGE OFFICER,
VANIYAMKKULAM-I VILLAGE
PALAKKAD DISTRICT - 678 001.**

R1 TO R3 BY GOVT. PLEADER SRI. K.C. VINCENT

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

Mn

...2/-

WP(C).No. 528 of 2015 (M)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT P1. A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF
KL-51 / D 4988.**

EXHIBIT P2. A TRUE COPY OF THE MAHAZER DATED 24.12.2014.

EXHIBIT P3. A TRUE COPY OF THE 'SAND PASS' DATED 24.12.2014.

**EXHIBIT P3(a). A SKETCH SHOWING THE LIE OF THE PROPERTY PREPARED BY THE
3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.528 of 2015

Dated this the 7th day of January, 2015

JUDGMENT

The petitioner is the owner of a tipper lorry bearing registration No.**KL-51/D 4988**. According to the petitioner, in the course of transportation of river sand on 24.12.2014, the third 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 respondents 2 & 3 are directed to take all necessary steps to report the seizure of vehicle bearing No.**KL-51/D 4988** 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 respondents 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 respondents, for further steps.

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

sp