

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 584 of 2015 (W)

PETITIONER(S) :

**SAFVAN M.P, AGED 24 YEARS,
S/O.MOOSAKUTTY, POOLAMKUNDIL HOUSE, VELLERI,
CHEMRAKATTOOR P.O., AREACODE(VIA),
MALAPPURAM DISTRICT.**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT(S) :

- 1. THE SUB DIVISIONAL MAGISTRATE,
PERINTHALMANNA, PERINTHALMANNA (P.O),
MALAPPURAM DISTRICT-679 322.**
- 2. THE TAHSILDAR,
KONDOTTY, KONDOTTY (P.O), MALAPPURAM DISTRICT-673 678.**

BY SR.GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 584 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 : TRUE COPY OF THE MAHAZAR DATED 28.12.2014.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 584 of 2015

Dated this the 8th day of January, 2015

JUDGMENT

The petitioner is the owner of the lorry bearing No. **KL-10 AE 5996**. According to the petitioner, in the course of transportation of ordinary sand on 28.12.2014, the squad under 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-10 AE 5996** 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.

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

kp/-