

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 1177 of 2015 (V)

PETITIONER(S):

**FAIZAL K, AGED 29 YEARS,
S/O. MUHAMMED, KOZHIULATHIL HOUSE, CHENGARA
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA, MALAPURAM DISTRICT- 679322.**
- 2. THE SUB INSPECTOR OF POLICE,
MANJERI POLICE STATION, MALAPPURAMDISTRICT - 676 121.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-01-2015, ALONG WITH WPC. 1179/2015, WPC. 1181/2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C). Nos. 1177, 1179 & 1181 of 2015

Dated this the 15th day of January, 2015

JUDGMENT

The petitioners are the owners of the vehicles bearing Nos. **KL-10AB/8178, KL-56/1283 & KL-10AG/9846**. According to the petitioners, in the course of transportation of ordinary sand on 8.1.2015, the second respondent seized the vehicles, 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 above vehicles before the concerned Magistrate at the earliest, at any rate, within 'one week'. It will be open for the petitioners to approach the concerned Magistrate's Court to get interim custody of the vehicles 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 petitioners 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/-