

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 1574 of 2015 (V)

PETITIONER :

**VAHID V. K., AGED 30 YEARS, S/O.ALIKUTTY,
VELLARIKKADU HOUSE, PERINTHALLUR P. O.,
TIRUR TALUK, MALAPPURAM DIST**

**BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN**

RESPONDENTS :

- 1. SUB INSPECTOR OF POLICE,
TIRUR POLICE STATION, MALAPPURAM-676101**
- 2. THE REVENUE DIVISIONAL OFFICER/SUB DIVISIONAL MAGISTRATE,
CIVIL STATION, TIRUR , MALAPPURAM0-676101**
- 3. THE DISTRICT COLLECTOR,
CIVIL STATION, MALAPPURAM-676101**

BY GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 1574 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:- TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE NO KL-07 E-1551 IN FAVOUR OF THE PETITIONER.

P2:- A TRUE COPY OF THE APPLICATION DTD 13/1/2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT IN RESPECT OF VEHICLE NO KL-07-E-1551

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 1574 of 2015

Dated this the 16th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayer:

“To call for the records leading to Exts.P1 and P2 and to direct the second respondent to dispose of the same expeditiously within a time frame by issuing a writ of mandamus or any other appropriate writ order or direction.”

2. The learned counsel for the petitioner submits that the vehicle bearing No. **KL-07-E 1551** belonging to the petitioner was not used for any illegal transportation of river sand. It is stated that the proceedings have to be finalized by the 2nd respondent. But the request to release the interim custody of the vehicle is still to be acted upon and hence the writ petition.

3. Heard the learned Government Pleader as well.

4. In view of the amended provision of statute and by virtue of the law declared by this Court in **Aboobacker v. State of Kerala** (2014 (3) KLT 26), it is for the 1st respondent to report the seizure to the concerned Magistrate having jurisdiction over the area.

5. In the above circumstance, the writ petition is disposed of, directing the 1st respondent to report the seizure to the concerned Magistrate forthwith at any rate, within 'one week'. It will be open for the petitioner to approach the concerned Magistrate for getting interim custody of the aforesaid 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.**