

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 1901 of 2015 (K)

PETITIONER:

**PRAVEEN P.K, S/O.KUNJU, AGED 29 YEARS,
PUTHENPURACKAL HOUSE, PERIKKALLUR P.O.,
PULPALLY, WAYNAD DISTRICT.**

BY ADV. SRI.JOHN VARGHESE

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR &
DISTRICT MAGISTRATE,
COLLECTORATE, WAYANAD - 673 592.**
- 2. THE SUB DIVISIONAL MAGISTRATE &
REVENUE DIVISIONAL OFFICER,
MANANTHAVADY, WAYANAD DISTRICT - 670 645.**
- 3. THE SUB INSPECTOR OF POLICE,
SULTHAN BATHERY, WAYANAD DISTRICT - 673 592.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 1901 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS:

**P1- TRUE COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE
NO. KL 12-A- 9084.**

**P2- TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT
DATED 28.11.2014.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON J.

~~~~~

W.P.(C) No. 1901 of 2015

~~~~~

Dated, this the 20th day of January, 2015

JUDGMENT

The petitioner is aggrieved of Ext. P2 order passed by the second respondent herein, whereby the vehicle bearing No. **KL 12 A 9084** belonging to the petitioner is ordered to be proceeded against, in connection with unauthorized transportation of river sand, however permitting to redeem the vehicle, subject to satisfaction of a sum of **Rs.80,000/-** (Rupees Eighty thousand only) towards the River Management Fund, in lieu of confiscation.

2. Heard the learned Government Pleader as well, who points out that the petitioner was having an alternate remedy before the District Collector by way of revision, as envisaged under Section 23 B of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, which ought to have been preferred within 15 days. There is also power to condone the delay to an extent of 15 days, as provided under the relevant proviso to Section 23 of the Act, which period is already over. Had the petitioner sought to approach the revisional authority well on time and if the order passed by the

revisional authority was detrimental to the rights and interests of the petitioner, the petitioner could have very well approached the District Court by way of appeal, as provided under Section 23 C. Since the period for filing revision and to condone the delay is already over, the matter cannot be reopened by way of writ petition.

3. In the said circumstances, interference is declined and the writ petition is dismissed.

Sd/-

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

kmd