

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. 1975 of 2015 (V)

PETITIONER:

**NAVAS KHAN, S/O.MUHAMMED,
THEKKEPPATTU MADATHIL HOUSE,
POOMALA P.O., NENMENI VILLAGE,
SULTHAN BATHERY, WAYANAD DISTRICT.**

BY ADV. SRI.KRISHNA PRASAD. S

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
SULTHAN BATHERY POLICE STATION,
WAYANAD DISTRICT - 673 592.**
- 2. THE VILLAGE OFFICER, NENMENY VILLAGE,
WAYANAD DISTRICT - 673 592.**
- 3. THE TAHSILDAR, SULTHAN BATHERY,
WAYANAD DISTRICT - 673 592.**
- 4. THE SUB DIVISIONAL MAGISTRATE,
MANANTHAVADY, WAYANAD DISTRICT - 670 645.**
- 5. STATE OF KERALA,
REPRESENTED BY THE SECRETRY,
DEPARTMENT OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM DISTRICT, PIN - 695 001.**

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/

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APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT P1: A TRUE COPY OF THE REGISTRATION CERTIFICATE DETAILS
PERTAINING TO THE VEHICLE BEARING NUMBER KL 73-5788
DATED 11.09.2014.**

**EXHIBIT P2: A TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT
DATED 30.08.2014.**

**EXHIBIT P3: A TRUE COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT
DATED 03.09.2014.**

**EXHIBIT P4: A TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE
THE 4TH RESPONDENT DATED 25.11.2014.**

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON J.

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Dated, this the 20th day of January, 2015

JUDGMENT

The petitioner is the owner of the tipper lorry bearing No. **KL-73 5788**. According to the petitioner, in the course of transportation of ordinary sand on 29.10.2014, the first respondent seized the vehicle, alleging illegal transportation of river sand. The custody continues and the matter is still to be reported before the concerned Magistrate in spite of the mandate under Section 23A (2) of the Kerala Protection of River Banks and Regulation of Removal of Sand Act 2001 (Act 18 of 2001) and the law declared by this Court in **Aboobacker v. State of Kerala [2014 (3) KLT 26]**.

2. Heard the learned Government Pleader as well, who submits that the seizure can be caused to be reported, if not done so far.

3. In the above circumstance, the first respondent is directed to take all necessary steps to report the seizure of vehicle bearing No. **KL73 5788** before the concerned Magistrate at the earliest, at any rate, within 'one week', if not already done. 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

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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 Court/authority for further steps.

Sd/-

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

kmd