

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. 2010 of 2015 (A)

PETITIONER(S):

**SHAMSUDHEEN. M., S/O.KUTTU,
AGED 24 YEARS, MATHUKKAL HOUSE, KODAKKAL,
TIRUNAVAYA, MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR.

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER,
TIRUR, MALAPPURAM DISTRICT- 676 101.**
- 2. THE SUB INSPECTOR OF POLICE,
KALPAKANCHERY POLICE STATION,
KOZHIKODE DISTRICT, PIN -676 551.**

BY GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-01-2015, ALONG WITH WP(C).NO.2011 OF 2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

WP(C).No. 2010 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:-

NIL.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

W.P.(C) Nos.2010 & 2011 of 2015

Dated this the 20th day of January, 2015

JUDGMENT

The petitioners are the owners of mini lorries/goods carriages bearing registration Nos.KL-07AY/8273 and KL-10Q/1620 respectively. According to the petitioners, in the course of transportation of ordinary sand on 18.12.2014 and 15.12.2014 respectively, the 2nd 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 vehicles bearing Nos.KL-07AY/8273 and KL-10Q/1620 before the concerned Magistrate along with complaint at the earliest, at any rate, within 'one week' from the date of receipt of a copy of this

judgment. 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; subject to appropriate terms. This will not bar the way of the 2nd 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 this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

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

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