

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 2183 of 2015 (W)

PETITIONER :

**BASHEER, AGED 35 YEARS, SAIDALI,
MARAKKESSERY HOUSE, PANANGATTOOR TANUR,
MALAPPURAM DISTRICT**

BY ADV. SRI.BABU S. NAIR

RESPONDENTS :

- 1. THE REVENUE DIVISIONAL OFFICER
TIRUR, MALAPPURAM DISTRICT PIN-676 101**
- 2. THE SUB INSPECTOR OF POLICE
KOTTAKKAL POLICE STATION, MALAPPURAM DISTRICT
PIN-676 503**

BY GOVERNMENT PLEADER SRI.K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 2183 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE PERMIT ISSUED TO THE PETITIONERS VEHICLE
DATED,17-1-2015 FOR THE TRANSPORTATION OF LATERITE STONES
ISSUED FROM THE GEOLOGY DEPARTMENT**

**EXHIBIT P2: TRUE COPY OF THE SEIZURE MAHAZAR PREPATRED BY THE 2ND
RESPONDENT DATED,17.1.2015**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.2183 of 2015

Dated this the 21st day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) Issue a writ of mandamus or any other appropriate writs, orders or directions commanding the respondents to release the vehicle bearing registration No.KL-55H/168 to the petitioner, forthwith, without any further delay;

ii) Declare that the seizure of the vehicle of the petitioner, which was having Exhibit P1 permit, is per se illegal, arbitrary and unjust.

iii) Grant such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. The learned counsel for the petitioner submits that the seizure effected by the 2nd respondent as per Ext.P2 Mahazar is per se wrong and illegal in all respects in so far as the transportation of laterite stones was done by the petitioner on the strength of valid permit, copy of which has been produced as Exhibit P1.

3. The learned Government Pleader points out that, at the time of interception, no supporting document was there in the

vehicle and it was in the said circumstance, that the vehicle was seized.

In view of the disputed question of fact, there will be a direction to the 2nd respondent to report the seizure to the concerned Magistrate's Court having jurisdiction over the area and shall file necessary complaint with regard to the offences alleged against the petitioner in relation to the subject matter involved in Crime No.78/2015 before the Kottakkal Police Station. The above exercise shall be done at the earliest, at any rate, within 'ten days' from the date of receipt of a copy of this judgment. It is open for the petitioner to move the concerned Magistrate's Court for getting interim custody of the vehicle; subject to appropriate terms.

The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 2nd respondent, for further steps.

The writ petition is disposed of.

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

sp