

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. 2202 of 2015 (A)

PETITIONER(S) :

**SHAFEEQALI, AGED 27 YEARS,
S/O.SHOUKATHALI, KURUKKAN HOUSE, PERAKAMANNA P.O.,
EDAVANNA, NILAMBUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENT(S):

**SUB INSPECTOR OF POLICE, WANDOOD,
WANDOOD (PO), MALAPPURAM DISTRICT- 698 662.**

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:**

Msd.

WP(C).No. 2202 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

NIL

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.2202 of 2015

Dated this the 21st day of January, 2015

JUDGMENT

The petitioner is the owner of a Lorry bearing registration No.**KEZ 3767**. According to the petitioner, in the course of transportation of river sand on 02.11.2014, the respondent/Sub Inspector of Police seized the vehicle, 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 respondent is directed to take all necessary steps to report the seizure of vehicle bearing No.**KEZ 3767** before the concerned Magistrate along with necessary complaint, at the earliest, at any rate, within 'one week'. 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; subject to appropriate terms. This will not bar the way of the competent authority under the Act, 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 this judgment, along with a copy of the writ petition, before the respondent, for further steps.

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

sp