

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 2738 of 2015 (N)

PETITIONER(S):

**SHAMSUDHEEN, AGED 40 YEARS
S/O.HASSANKUTTY, KUDIYIL HOUSE, KODIYATHOOR
MUKKOM, KOZHIKODE DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S):

**1. THE REVENUE DIVISIONAL OFFICER
PERINTHALMANNA, MALAPPURAM DISTRICT, PIN: 679 322.**

**2. THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION, MALAPPURAM DISTRICT
PIN: 673 638.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE PERMIT USED BY THE PETITIONER FOR THE
TRANSPORTATION OF SAND DATED 26/12/2014.**
- P2: TRUE COPY OF THE RELEVANT PAGE OF THE KADAVU REGISTER, SHOWING
THAT THE VEHICLE HAS LOADED THE SAND.**
- P3: TRUE COPY OF THE COMPLAINT GIVEN BY THE PETITIONER TO THE FIRST
RESPONDENT DATED 26/12/2014.**
- P4: TRUE COPY OF THE REPORT SUBMITTED BY THE VILLAGE OFFICER,
KEEZHUPARAMBU TO THE TAHSILDAR, ERNAD DATED 30/12/2014.**
- P5: TRUE COPY OF THE F.I.R IN CRIME NO.693/2014 OF THE AREACODE POLICE
STATION DATED 26/12/2014.**
- P6: TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE 2ND
RESPONDENT DATED 26/12/2014.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 2738 of 2015

Dated this the 28th day of January, 2015

J U D G M E N T

The petitioner is the owner of the vehicle bearing registration No.KL-57/9756, which was taken in to custody by the 2nd respondent alleging illegal transportation of river sand. The case of the petitioner is that, river sand was being transported by the petitioner on the strength of valid permit as borne by Ext.P1. Ext.P2 is the relevant page of the 'Kadavu register'. Aggrieved by the action on the part of the concerned respondent, petitioner approached this 1st respondent by filing Ext.P3 complaint, pursuant to which, a report was called for. The concerned Village Officer submitted Ext.P4 report to the Tahsildar pointing out that, the transportation was covered by a valid permit at the relevant time. Still, a crime has been registered against the petitioner, as Crime No.693/2014 of the Areacode Police Station, vide Ext.P5. The contents of Ext.P6 mahazar are *per se* wrong and unfounded in all respects and hence the challenge.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that, the matter requires to be considered by the 1st respondent who is the competent authority under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, particularly, in the light of Ext.P4 report and other relevant materials. It shall be done, at the earliest, at any rate, within 'two weeks' from the date of receipt of a copy of this judgment, with liberty to the petitioner to produce the relevant documents before the 1st respondent and to have a hearing in the matter.

4. The writ petition stands disposed of accordingly.

The petitioner shall produce a copy of this judgment along with a copy of this writ petition, before the 1st respondent for further steps and the date of hearing shall be let known to the petitioner then and there to save time.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.