

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

WP(C).No. 6720 of 2010 (L)

PETITIONER:

**SABIN, AGED 47 YEARS,S/O.PHILIP,
KURISSINGAL VEETIL, METHALA VILLAGE
KODUNGALLUR TALUK, THRISSUR DISTRICT.**

BY ADV. SRI.NIREESH MATHEW

RESPONDENTS:

1. THE DISTRICT COLLECTOR, ERNAKULAM.

**2. THE SUB INSPECTOR OF POLICE,
PUTHENVELIKKARA POLICE STATION, ERNAKULAM DISTRICT.**

BY GOVERNMENT PLEADER SRI. S. JAMAL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 6720 of 2010 (L)

APPENDIX

PETITIONER'S EXHIBITS

- P1 PHOTOCOPY OF THE ANNUAL LICENSE ISSUED FOR THE COUNTRY BOAT OF
 THE PETITIONER BY THE CANAL OFFICER, KODUNGALLUR DATED 8.12.2009**
- P2 PHOTOCOPY OF THE LEASE AGREEMENT DATED 5.11.2009**
- P3 PHOTOCOPY OF THE JUDGMENT DATED 5.2.2010 IN WP(c) NO.3787/2010
 PASSED BY THIS HON'BLE COURT**
- P4 PHOTOCOPY OF THE ORDER NO.10-72226/2009 DATED 8.1.2010 PASSED BY
 THE 3RD RESPONDENT**
- P5 PHOTOCOPY OF THE INTERIM ORDER DATED 5.11.2009 IN WP(c)
 NO.30021/2009 PASSED BY THIS HON'BLE COURT**
- P6 PHOTOCOPY OF THE ORDER NO.K.DIS.27820/09/L.10 DATED 23.6.2009
 PASSED BY THE 1ST RESPONDENT**

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 6720 of 2010 (L)

Dated this the 11th day of August, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P4, by which a confiscation order was passed on a country boat in which allegedly river sand was carried illegally against the provisions of the Kerala Protection of River Banks & Regulation of Removal of Sand Act, 2001.

2. The fine imposed is Rs.50,000/- as per Ext.P4. The learned counsel would not argue on the merits, but on the manner in which the amount of fine was arrived at. There is absolutely no indication as to how the value of the country boat was arrived at. The petitioner also would specifically refer to Ext.P6, wherein another country boat was seized and fine was imposed at Rs.15,000/-.

3. A reading of Ext.P4 order would indicate that merely on finding the offence, the fine was imposed at Rs.50,000/-. Considering the fact that the vessel which was

ordered to be confiscated is only a country boat, and in a similar circumstance fine of Rs.15,000/- was imposed, this Court would modify Ext.P4 insofar as reducing the fine amount to Rs.15,000/-. The petitioner shall remit the said amount within a period of two months from the date of this judgment, failing which the country boat shall be liable for seizure or confiscation and proceedings also shall be initiated for recovery against the petitioner.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE