

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. 7519 of 2010 (L)

PETITIONER:

**SAJU SEBASTIAN, S/O.SEBASTIAN,
AGED 34, ETTUMANOORKARAN VEEDU, THOTTUMUKKAM P.O.
VIA AREEKODE, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.SRINATH GIRISH
SRI.E.NARAYANAN**

RESPONDENT:

**THE STATE OF KERALA REPRESENTED BY THE
DISTRICT COLLECTOR, CIVIL STATION, KOZHIKODE.**

BY GOVERNMENT PLEADER SRI. MANOJ P. KUNJACHAN

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

APPENDIX

PETITIONERS EXHIBITS

P1 : TRUE COPY OF THE PROCEEDINGS OF THE DISTRICT COLLECTOR,
KOZHIKODE, DATED 29.3.2009

P2 : TRUE COPY OF THE PROCEEDINGS OF THE DISTRICT COLLECTOR,
KOZHIKODE, DATED 4.4.2009

RESPONDENT'S EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 7519 of 2010 (L)

Dated this the 11th day of August, 2015

J U D G M E N T

The petitioner is aggrieved with Exts.P1 and P2 orders. Ext.P1 was an order passed in pursuance of the seizure of the vehicle under the Kerala Protection of River Banks & Regulation of Removal of Sand Act, 2001.

2. The District Collector ordered confiscation and directed release of vehicle if the price of the vehicle fixed at Rs.35,000/- was paid along with fine of Rs.25,000/-. The petitioner is said to have been given interim custody of the vehicle on payment of the said amounts. The petitioner claims that there was no provision to impose fine along with the price of the vehicle.

3. Rule 27 (3) of the Kerala Protection of River Banks and Regulation of Removal of Sand Rules, 2002, specifically indicates so:

“(3) The vehicle may be returned if the owner of the vehicle or the possessor remits an amount towards River Management Fund equal to the price fixed by the District Collector with fine within seven days of seizure.”

4. Hence, the District Collector could enable the release of the vehicle on payment of the value of the vehicle to the River Management Fund as also impose a fine as provided under the Rules. In such circumstance, since the Collector has the power to impose both fine as also release of the vehicle on payment of the price of the vehicle, this Court does not find any infirmity in Ext.P1 order.

Writ petition would stand dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE