

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 3887 of 2015 (I)

PETITIONER:

**SUDHEER K.,
S/O.DAMODARAN, AGED 32 YEARS,
KUZHIMPATTIL HOUSE, PERUMANNA,
KOZHIKODE DISTRICT.**

BY ADV. SRI.SUNNY MATHEW

RESPONDENT(S):

- 1. THE SUB COLLECTOR,
OFFICE OF THE SUB COLLECTOR,
KOZHIKODE - 673 001.**
- 2. THE SUB DIVISIONAL MAGISTRATE
AND SUB COLLECTOR, KOZHIKODE - 673 001.**
- 3. THE DISTRICT COLLECTOR,
KOZHIKODE - 673 001.**
- 4. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM - 695 001.**

BY GOVERNMENT PLEADER SRI.MOHAMMED SHAFI.M

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 3887 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P-1: TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE
 PETITIONER'S VEHICLE BEARING REGISTRATION NO.KL-57-7845.**
- EXT.P-2: THE ORIGINAL SAND PASS DATED 19.10.2013 ISSUED BY THE
 DISTRICT ADMINISTRATION, KOZHIKODE.**
- EXT.P-3: TRUE COPY OF THE ORDER PASSED BY THIS HON'BLE COURT IN
 WPC NO.3603/2014.**
- EXT.P-4: TRUE COPY OF THE NEWSPAPER REPORT IN MATHRUBHUMI DAILY
 DATED 11.12.2013.**
- EXT.P-5: TRUE COPY OF THE NEWSPAPER REPORT IN MATHRUBHUMI DAILY
 DATED 6.7.2013.**
- EXT.P-6: TRUE COPY OF THE ORDER DATED 6.5.2014 PASSED BY THE
 2ND RESPONDENT.**
- EXT.P-7: TRUE COPY OF THE ORDER DATED 19.11.2014 PASSED BY THE
 3RD RESPONDENT.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 3887 of 2015

Dated this the 6th day of February, 2015

J U D G M E N T

The petitioner is the owner of the vehicle bearing Registration No.KL-57-7845, which was seized by the 1st respondent on 19.10.2013, alleging illegal transportation of river sand. The case of the petitioner is that, the transportation was effected by the petitioner on the strength of a valid pass and that the proceedings initiated and pursued against the petitioner are *per se* wrong and illegal in all respects.

2. When the petitioner approached this Court earlier, by filing WP(C) No.3603/2014, challenging the course and proceedings, the petitioner was relegated to move the 1st respondent herein, being the statutory authority to deal with the confiscation proceedings, in the manner as prescribed therein and also with reference to the decision reported by the Full Bench decision of this Court in **Shan C.T. V. State of Kerala (2010 (3) KLT 413)**. Pursuant to the said verdict, the matter was finalised by the 1st respondent who passed Ext.P6 order dated 06.05.2014, ordering confiscation of the vehicle, however with liberty to to have the vehicle redeemed on

satisfaction of a sum of Rs.2.60 lakhs (the value fixed as per proceedings of the concerned RTO) payable to the River Management Fund. Being aggrieved of the said order, the petitioner approached the 3rd respondent, who is the revisional authority, which however did not yield any positive result, as the revision petition preferred by the petitioner was dismissed as per Ext.P7 dated 19.11.2014. This made the petitioner to approach this Court again by filing the present writ petition.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that the petitioner is still having a remedy by way of appeal before the concerned District Court, in view of the mandate under Section 23(C) of the Kerala Protection of River Banks and Regulation of Removal of Sand Act 2001. In the said circumstances, the petitioner is relegated to move the appropriate Court/Forum, if aggrieved by Ext.P7. Without prejudice to the rights and liberties in this regard, interference is declined and the writ petition is dismissed.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE