

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

WP(C) .No. 8390 of 2010 (W)

PETITIONER(S) :

BABU.P.C,
S/O.CHEMMARAN, AGED 36 YEARS,
PRAN HOUSE, MANDALAM.P.O.,
NADUVIL VIA, NADUVIL AMSOM, TALIPARAMBA TALUK,
KANNUR DISTRICT.

BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI.

RESPONDENT(S) :

THE DISTRICT COLLECTOR,
CIVIL STATION, KANNUR.

BY GOVERNMENT PLEADER SRI.P.V.ELIAS.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT. P1 : TRUE COPY OF THE OUT PATIENT RECORD OF SREELAKSHMI DATED
21/08/2008 ISSUED FROM PARIYARAM MEDICAL COLLEGE.

EXT. P2 : TRUE COPY OF THE OUT PATIENT RECORD OF SREELAKSHMI DATED
02/09/2008 ISSUED FROM PARIYARAM MEDICAL COLLEGE.

EXT. P3 : TRUE COPY OF THE OUT PATIENT RECORD OF SREELAKSHMI DATED
07/10/2008 ISSUED FROM PARIYARAM MEDICAL COLLEGE.

EXT. P4 : TRUE COPY OF THE REGISTRATION CERTIFICATE OF KL-59A-3059
VEHICLE.

EXT. P5 : TRUE COPY OF THE FINANCE SCHEME OF KL-59A-3059 VEHICLE.

EXT. P6 : TRUE COPY OF THE REPRESENTATION GIVEN TO THE RESPONDENT
BY THE PETITIONER DATED 11/02/2010.

EXT. P7 : TRUE COPY OF THE ACKNOLEDGMENT CARD SIGNED BY THE
RESPONDENT DATED 15/02/2010.

EXT. P8 : TRUE COPY OF THE ORDER OF RESPONDENT DATED 03/02/2010.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

ANIL K.NARENDRA, J

W.P.(C)No.8390 Of 2010

DATED THIS THE 20th DAY OF MAY, 2015

JUDGMENT

The petitioner is the registered owner of an LMV goods carriage bearing registration No.KL-59A-3059. The vehicle was seized by the Payyannur Police, alleging illegal transportation of river sand and a crime has been registered as Crime No.152/2009. The petitioner approached the respondent for release of the vehicle. The respondent valued the vehicle at ₹3,70,000/- and directed the petitioner to make a cash deposit of ₹1,85,000/- being half the value of the vehicle. Thereafter the petitioner submitted Ext.P6 representation before the respondent requesting that the vehicle be released on the petitioner furnishing property security instead of cash security. It was thereafter the petitioner has approached this Court in this writ petition seeking a writ of mandamus commanding the respondent to consider Ext.P6 representation and release the vehicle in interim custody by accepting the immovable property as security instead of insisting cash security.

2. By order dated 31.3.2010, this Court ordered that the

vehicle will be released to the petitioner on furnishing immovable properties as security along with two solvent sureties to the satisfaction of the respondent.

3. Today when the case was taken up for final hearing, the learned counsel for the petitioner submitted that on the strength of the interim order passed by this Court dated 31.3.2010, the vehicle has already been released to the petitioner on furnishing immovable property as security along with two solvent sureties to the satisfaction of the respondent.

In the above circumstances, this writ petition is disposed of making the interim order absolute. If the confiscation proceedings initiated against the petitioner is yet to be finalised, the respondent shall do necessary steps in that regard, as expeditiously as possible, at any rate within a period of three months from the date of receipt of a certified copy of this judgment, with notice to the petitioner.

Sd/-

ANIL K.NARENDRA, JUDGE

dsn