

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 9686 of 2015 (I)

PETITIONER(S):

**MOHAMMED HANEEF, AGED 43 YEARS,
S/O.SULAIMAN, NEHRU NAGAR, KABAKA,
PUTHOOR TALUK, D.K.DISTRICT, KARNATAKA STATE.**

**BY ADVS.SMT.HEMALATHA
SRI.BINU GEORGE**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
KASARAGOD, PIN-671 121.**
- 2. REVENUE DIVISIONAL OFFICER,
KASARAGOD, KANHANGAD, KASARAGOD DISTRICT -671 314.**
- 3. MEMBER,
RIVER MANAGEMENT SQUAD, TALUK OFFICE,
HOSDURG, KASARAGOD DISTRICT - 671 315.**

R1 & R2 BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
31-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.9686 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

Finalisation of the proceedings by passing an order of confiscation by the second respondent vide Ext.P2 dated 03.03.2012, though challenged by way of Revision Petition before the first respondent did not turn to be fruitful as borne by Ext.P3 order passed in January, 2015. This made the petitioner to approach this Court by filing the writ petition, challenging the said proceedings.

2. Heard the learned Government Pleader as well.

3. This Court finds that the proceedings were finalised by the respondents 1 and 2 with reference to the relevant provisions of the 'Sand Act'. As to the scheme of the statute, the petitioner, if aggrieved of Ext.P3 order, is still having a remedy by way of appeal before the concerned District Court.

4. The learned counsel for the petitioner seeks for

permission to withdraw the writ petition without prejudice to the rights and liberties of the petitioner to pursue the matter before the appropriate forum.

By virtue of the enabling provisions under the statute to redeem the vehicle subject to satisfaction of the value of the vehicle to the River Management Fund, the first respondent is directed to communicate the value of the vehicle, as on the date of seizure, to the petitioner after calling for a report from the authorities of the Motor Vehicles Department and if the said amount is satisfied by the petitioner, the vehicle shall be released to the petitioner on expressing readiness to meet the liability as aforesaid.

Writ petition is dismissed as withdrawn.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

sp