

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 9748 of 2015 (P)

PETITIONER :

**RIJAS P. ABBAS,
S/O.ABBAS, AGED 25 YEARS, PEREPARAMBIL,
RAYONPURAM.P.O., CHELAMATTOM VILLAGE,
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT,
(OWNER OF THE LORRY BEARING REGISTRATION NO.KL-17-C-1892).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
PERUMBAVUR POLICE STATION,
ERNAKULAM DISTRICT,PIN-685 535.**
- 2. THE REVENUE DIVISIONAL OFFICER (RDO),
MUVATTUPUZHA, ERNAKULAM DISTRICT,PIN-685 535.**

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

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.9748/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE FIRST INFORMATION REPORT AS NO.0618 DATED 12/2/2015 OF PERUMBAVUR POLICE STATION.**
- P2 COPY OF THE SEIZURE MAHASSAR DATED 11/2/2015 PREPARED BY THE FIRST RESPONDENT.**
- P3 COPY OF THE ONLINE SAND PASS ISSUED BY THE DISTRICT ADMINISTRATION ERNAKULAM DATED 11/2/2015.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 9748 of 2015

Dated this the 26th day of March, 2015

JUDGMENT

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the vehicle of the petitioner is said to have been seized by the first respondent on an allegation that the petitioner's vehicle had been found illegally transporting river sand. In the light of the seizure, Exhibit P1 crime has also been registered.

3. It is the grievance of the petitioner that though the competent authority is the second respondent to entertain any application from the petitioner for the interim custody of the vehicle and also for the adjudication of the issue of

seizure, so far the first respondent has produced neither the vehicle, nor the relevant records before the second respondent. Under these circumstances, the petitioner has approached this Court.

4. In the light of the ratio laid down by this Court in **Faisal v. Assistant Sub Collector** [2015 (1) KLT 949], the issue raised by the petitioner is no longer *res integra*. Thus going by the above ratio, this Court is of the opinion that the first respondent shall produce the necessary records along with the seized vehicle before the second respondent, who, thereafter has to pass appropriate orders, if the petitioner makes an application in that regard. At this juncture, the learned counsel for the petitioner has submitted that though the petitioner had approached the second respondent, the said authority did not receive the application on the premise that so far he had no communication from the first respondent.

5. In the facts and circumstances, it is made clear that the first respondent shall forward the necessary files, apart from producing the seized vehicle before the second respondent, as expeditiously as possible, at any rate, within

a period of one week from the date of receipt of a copy of this judgment. It is further made clear that the petitioner is at liberty to file an appropriate application before the second respondent, which is required to be adjudicated upon by the said authority, keeping in view the ratio referred to above, after providing an opportunity of hearing to the petitioner. The entire process shall be completed within a period of six weeks from the date of his receiving the records from the first respondent.

With the above observations, this writ petition is disposed of. No order as to costs.

**DAMA SESHADRI NAIDU
JUDGE**

DMR/-