

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. 10475 of 2015 (H)

PETITIONER(S) :

**P.L.JOSHI, AGED 45 YEARS,
S/O.LONAPPAN, PORATHOOR HOUSE, P.O.PARAPPUR,
THRISSUR DISTRICT. (REGISTERED OWNER OF GOODS
VEHICLE BEARING REG.NO.KL-08/AP-5803).**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S) :

**1. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT.**

**2. THE REGIONAL TRANSPORT OFFICER,
PONNANI - 679 577, MALAPPURAM DISTRICT.**

BY GOVERNMENT PLEADER SRI.JOSEPH GEORGE

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

Msd.

WP(C).No. 10475 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE REGISTRATION DETAILS OF GOODS VEHICLE
BEARING NO.KL-08/AP-5803.**

**EXT.P2: TRUE COPY OF THE ORDER DATED 19.04.2010 ISSUED BY
THE 1ST RESPONDENT**

**EXT.P3: TRUE COPY OF THE JUDGMENT DATED 20.08.2015 IN
W.P.(C).NO.18166/2015 OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.10475 of 2015

Dated this the 31st day of March, 2015

JUDGMENT

The grievance of the petitioner is with regard to the amount ordered to be satisfied to the River Management Fund so as to redeem the vehicle in respect of the offence committed by the petitioner under the relevant provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008.

2. The case of the petitioner is that, the vehicle bearing Registration No.KL-08/AP-5803 belonging to the petitioner was intercepted, alleging offence under the Kerala Conservation of Paddy Land and Wet Land Act, 2008, which led to the proceedings finalised by the first respondent, who was the competent authority at that point of time, by passing Ext.P2 order dated 19.04.2010. The first respondent has ordered confiscation of the vehicle. However, it has been ordered to be released on satisfaction of a sum of Rupees Six lakhs payable by the owner of the vehicle to the River Management Fund. This, according to the petitioner, is highly unconscionable and exorbitant, as the petitioner's vehicle is having only much lesser

value and hence the challenge.

3. Heard the learned Government Pleader as well, who points out that the value of the vehicle has been fixed after calling for a report from the authorities of the Motor Vehicles Department, which course has been permitted, ratified and accepted by this Court including Division Bench on many an occasion. Even otherwise, this Court does not find it necessary to go into such aspects, more so when Ext.P1 order was passed nearly five years ago on 19.04.2010. The petitioner, all the while, was simply taking rest on arm chair and such a person does not deserve to be permitted to highlight the grievance by invoking the discretionary jurisdiction under Article 226 of the Constitution of India. This court finds support from the Ruling rendered by the Apex Court in ***Rabindra Nath Bose and others v. Union of India and others [AIR 1970 SC 470]***.

The writ petition stands dismissed accordingly.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

sp