

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937

WP(C).No. 10955 of 2015 (T)

PETITIONER(S) :

**HANEEFA, S/O.KOMUNNI,
EDAPETTA VEEDU, PANAMARAM,
MANANTHAVADY TALUK, WAYANAD-670 721.**

**BY ADVS.SRI.DIPU.R
SRI.SANAL P.RAJ
SMT.DHANYA BABU
SMT.P.APRIYA**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, KALPETTA, WAYANAD-673 121.**
- 2. SUB DIVISIONAL MAGISTRATE, MANANTHAVADY,
OFFICE OF THE SUB DIVISIONAL MAGISTRATE,
MANANTHAVADY-670 645.**
- 3. THE TAHSILDAR,
TALUK OFFICE, VYTHIRI, WAYANAD-673 576.**
- 4. THE REGIONAL TRANSPORT OFFICER,
OFFICE OF THE REGIONAL TRANSPORT OFFICER,
KALPETTA, WAYANAD - 673 121.**
- 5. THE STATION HOUSE OFFICER,
KAMBALAKKADU POLICE STATION,
KAMBALAKKADU P.O., WAYANAD-673 121.**

BY SR.GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 10955 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE ORDER BEING NO. L2-23446/2014,
DATED 25.09.2014.**

EXT.P2: TRUE COPY OF THE AGREEMENT DATED 11.06.2010.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.10955 of 2015
.....

Dated this the 6th April, 2015

J U D G M E N T

Petitioner is the owner of the vehicle bearing No.K.72/1733, which was seized by the 5th respondent/Station House Officer alleging illegal transportation of river sand. The case of the petitioner is that Ext.P1 order was passed by the District Collector in exercise of the powers of Revision under the Kerala Protection of River Bank and Regulation of Removal of Sand Act and the petitioner has been permitted to redeem the vehicle subject to satisfaction of Rs.150000/- .to the River Management Fund, which according to the petitioner is exorbitant and hence sought to be interfered .

2. Heard the learned Government Pleader as well, who submits that the value of the vehicle was fixed by the Sub Divisional Magistrate/competent authority after getting a report from the RTO. Such a course has been accepted as correct and sustainable by many a judgment of this Court at different points of time. It is also pointed out that Ext.P1 order was passed by the Revisional authority way back on '25.09.2014', whereas the

petitioner has approached this Court only now. The petitioner was having an effective alternate remedy by way of appeal as provided under the relevant provisions of law before the concerned District Court. Confiscation order passed by the Sub Collector is not under challenge in this writ petition.

In the above circumstance, the writ petition is dismissed without prejudice to the rights and liberties of the petitioner to pursue the matter before other appropriate forums, in accordance with law.

**P.R.RAMACHANDRA MENON
JUDGE**

/k