

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 18081 of 2012 (I)

PETITIONER:

ABDUL RASAK, AGED 30 YEARS,
S/O.YUSUF, PADINJAKKARA HOUSE, PALLOM.P.O.,
DESHAMANGALAM, THRISSUR DISTRICT-679532.

BY ADV. SRI.P.RAMACHANDRAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
AYYANTHOLE, THRISSUR-680 003.
2. THE ADDITIONAL TAHSILDAR,
TALUK OFFICE, THALAPPILLY, VADAKKANCHERRY.P.O.,
THRISSUR DISTRICT-680 582.
3. THE SUB INSPECTOR OF POLICE,
CHERUTHURUTHY POLICE STATION, CHERUTHURUTHY.P.O.,
THRISSUR DISTRICT-679 531.

BY GOVERNMENT PLEADER, SRI. E.M. ABDUL KHADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

- EXT-P1 TRUE COPY OF CERTIFICATE OF REGISTRATION OF THE VEHICLE
KL-08 -Y-6741.
- EXT-P2 TRUE COPY OF THE SCENE MAHAZAR DATED 2.9.2010 BY THE THIRD
RESPONDENT
- EXT-P3 TRUE COPY OF SALE NOTICE DATED 12.7.2012 BY THE SECOND
RESPONDENT WITH THE COPY OF POSTAL ENVELOPE.
- EXT-P4 TRUE COPY OF PETITION DATED 28.7.2012 by the PETITIONER
BEFORE THE FIRST RESPONDENT
- EXT-P5 TRUE COPY OF PETITION DATED 28.7.2012 BY THE PETITIONER
BEFORE THE SECOND RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

K. HARILAL, J.

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W.P. (C) No.18081 of 2012

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Dated this the 21st day of December, 2015

J U D G M E N T

The petitioner is the registered owner of LGV Tipper lorry bearing registration No.KL-08/Y-6741. The said vehicle was seized as per Ext.P2, by the 3rd respondent on 02.09.2010, on the allegation that the said vehicle was used for illegal transportation of river sand. According to the petitioner, he was not served with notice of any proceedings by the respondents. On 24.07.2012, Ext.P3 sale notice was served on him, intimating that this vehicle will be put to sale on 01.08.2012 consequent to the non- payment of fine, quantified in Ext.P3. The petitioner further submits that the petitioner was not aware of any of the proceedings

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and the order imposing fine was not served on him so far. That apart, the petitioner disputes the date of seizure of the vehicle also. According to him, his vehicle was seized on 02.09.2010 and date of seizure of the vehicle shown in Ext.P3 notice is not correct. The petitioner reasonably suspects that his vehicle was mistakenly put to sale. So, Ext.P3 notice is violative of the principles of natural justice also. Aggrieved by Ex3 notice, though the petitioner has preferred Ext.P5 representation, before the 2nd respondent, no action has been taken so far. This is the grievance projected in this Writ Petition.

2. Heard the learned counsel for the petitioner and learned Government Pleader.

3. Having regard to the grievance projected in this Writ Petition and the submissions

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made at the Bar, the 2nd respondent is directed to consider and pass orders on Ext.P5, after affording an opportunity of being heard, to the petitioner, at the earliest, at any rate, within a period of two months from the date of receipt of a copy of this judgment.

This Writ Petition is disposed of accordingly.

Sd/-

**K. HARILAL,
JUDGE**

DST

//True copy//

P.A. To Judge