

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C).No. 14358 of 2015 (T)

PETITIONER(S) :

**ABDUL SALAM, AGED 52 YEARS,
S/O.KUNJI HASSAN, ERAMANGALATHU HOUSE,
KANDAMKULAM P.O., METHALA VILLAGE, KODUNGALLUR TALUK,
THRISSUR DISTRICT (OWNER OF A LORRY BEARING REGISTRATION
NO.KL-06-C-9477).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE SUB INSPECTOR OF POLICE,
KODUNGALLUR POLICE STATION,
THRISSUR DISTRICT - 680 001.**
- 2. THE CONSERVATOR OF PORT,
AZHIKKODE CHUNGAM PORT, THRISSUR DISTRICT - 680 001.**

R1 BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 14358 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE VEHICLE PASS ISSUED BY THE SECOND
RESPONDENT DATED 22.08.2014.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

Msd.

K. VINOD CHANDRAN, J.

W.P(C). No.14358 of 2015

Dated this the 16th day of June, 2015.

JUDGMENT

The petitioner has filed the above writ petition against the alleged illegal seizure of a lorry bearing Registration No.KL-06-C-9477. The petitioner's contention is that, the vehicle was transporting dredged sand from the Port premises, covered by Ext.P1 pass. This Court directed the respondent to file a report on the allegations leveled against the petitioner.

2. A report has been placed on record by the learned Government Pleader, wherein it has been submitted that, the allegation was that the petitioner had been transporting 'river sand' in violation of the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, (for brevity, the Sand Act). A crime is also said to have been registered, in which the driver of the vehicle is said to have admitted the guilt

and paid the fine amount.

3. In any event, the registered owner of the vehicle, the petitioner herein, seeks that the petitioner granted interim custody of the vehicle. That however can only be under the provisions of the Sand Act and the RDO, is the authority, competent to take confiscation proceedings, if at all against the vehicle under Section 23A of the Sand Act.

4. The statement filed by the respondent indicates that the report has been forwarded to the District Collector. The District Collector is the revisionary authority under the Sand Act. In such circumstances, the respondent shall get back the documents from the District Collector and forward it to the RDO, Thrissur and the petitioner shall have his remedies under the Sand Act before the RDO.

5. The learned counsel for the petitioner prays that the RDO be directed to take a sample of the sand available in the vehicle so as to verify whether it is dredged sand or river sand. The RDO, on a proper application being filed and the petitioner agreeing to bear the cost for such examination, shall take a sample of the

goods, for analysis, in the presence of the petitioner.

The writ petition is closed leaving open such remedies to the petitioner with the above observations.

Sd/-
K. VINOD CHANDRAN,
JUDGE

sp