

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 15113 of 2015 (L)

PETITIONER:

**VIMALKUMAR T.V., S/O.VIJAYAN,
THEKKEATTOM HOUSE, PALLITHODU P.O,
THURAVOOR, CHERETHALA.**

BY ADV. SRI.P.K.SHAJU

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, MALAPPURAM - 673 106.**
- 2. THE SUB INSPECTOR OF POLICE,
EDAVANNA POLICE STATION,
MALAPPURAM DISTRICT-673008.**
- 3. ASHTAKUMAR @ KANNAN, AGED 52 YEARS,
S/O.MADHAVAN, MAROTTICKAL HOUSE,
KUTHIYATHODU P.O., CHERTHALA
NOW RESIDING AT C/O.VENU, PULLOMVELI HOUSE,
NEAR VAYALAR PANCHAYAT OFFICE, VAYALAR EAST P.O,
CHERTHALA -688 596.**

R1 & R2 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 15113 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - TRUE COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE NO.KL-53-5669.
- P2 - TRUE COPY OF THE AGREEMENT DATED 20.11.2014 BETWEEN THE PETITIONER AND THE 3RD RESPONDENT.
- P3 - TRUE COPY OF THE COMPLAINT DATED 25.2.2015 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHERTHALA.
- P4 - TRUE COPY OF THE FIR IN CRIME NO.227/2015 OF KUTHIATHODE POLICE STATION.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

K. VINOD CHANDRAN, J.

W.P(C). No.15113 of 2015

Dated this the 27th day of May, 2015.

JUDGMENT

The petitioner is concerned with vehicle bearing Registration No.KL-53-5669, which now has been seized for an alleged offence under the Kerala Protection of River Bank and Regulation of Removal of Sand Act, 2008. The dispute with respect to the ownership is as against the 3rd respondent.

2. The learned Government Pleader on instructions, submits that, the dispute between the petitioner and the 3rd respondent as the ownership of the vehicle cannot be looked into now. The vehicle seized will be produced before the Jurisdictional Magistrate and the petitioner or the 3rd respondent would have to seek interim custody from the Jurisdictional Magistrate, is the submission.

The said submission is worthy of acceptance and the writ petition is disposed of directing the 2nd respondent to produce the

concerned vehicle before the Jurisdictional Magistrate within two weeks.

If an application is made by the petitioner or the 3rd respondent, the learned Jurisdictional Magistrate will consider the same in accordance with law.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

sp