

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 6TH DAY OF NOVEMBER 2015/15TH KARTHIKA, 1937

WP(C).No. 15170 of 2015 (U)

PETITIONER(S):

**RAJAPPAN K.G., AGED 40 YEARS,
S/O.GOPALAN, KAVUNNADAYIL HOUSE, MARUTHAM,
CHULLY PO, MALOM VILLAGE, VELLARIKUNDU TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM
SMT.K.R.MONISHA
SRI.DENNY VARGHESE
SMT.VINEETHA V.KUMAR**

RESPONDENT(S):

- 1. THE SUB DIVISIONAL MAGISTRATE,
KASARAGOD AT KANHANGAD 687315.**
- 2. THE STATION HOUSE OFFICER,
KASARAGOD POLICE STATION, KASRAGOD 671121.**
- 3. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
KERALA GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 15170 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1: TRUE COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE BEARING
NO.KL 05 R 1284**

**P2: TRUE COPY OF THE ORDER DATED 01.011.2014 PASSED BY THE 1ST
RESPONDENT**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 15170 of 2015

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Dated this the 6th day of November, 2015

J U D G M E N T

The petitioner approached this Court challenging seizure and confiscation of the vehicle bearing No. KL-05-R-1284. By Ext.P2 proceedings of Sub Divisional Magistrate of Kasargod and Kanjangad, ordered to confiscate 129 vehicles along with the sand. The petitioner submits that his vehicle is also included among the 129 vehicle. According to the petitioner his vehicle was stolen vehicle and offenders transported the sand illegally and the petitioner has no involvement.

2. The petitioner further submitted that the vehicle has not been sold so far. If the vehicle has not been sold so far, the following directions are issued.

1.The petitioner shall raise all claim before the Sub Divisional Magistrate within two weeks from the date of receipt of the copy of this judgment.

2. The Sub Divisional Magistrate shall find out the genuineness

of the claim of the petitioner. If the petitioner is able to establish that the vehicle was stolen, the vehicle shall be released to the petitioner unconditionally. However the Sub Divisional Magistrate is of the view that the vehicle was not stolen and it was involved in illegal transportation of sand, the Sub Divisional Magistrate is free to proceed against the vehicle in accordance the provisions of the Sand Act. It is also open for the petitioner to get release of the vehicle on payment of such amount towards River Management fund.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE