

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

W.P(C).No. 19062 of 2012(G)

PETITIONER:

RIJU.P.P. AGED 31 YEARS
S/O.APPUKUTTAN, PALAPRAPYILIL HOUSE, VELLALASSERY P.O.
NIT (VIA), CALICUT, PIN-673639.

BY ADV. SMT.JAYASREE MANOJ

RESPONDENTS:

1. DISTRICT COLLECTOR,
CALICUT, KOZHIKODE, PIN-673661.
2. REGIONAL TRANSPORT OFFICER
OFFICE OF THE REGIONAL TRANSPORT OFFICER, KOZHIKODE
PIN-673020.
3. SUB INSPECTOR OF POLICE,
MAVOOR POLICE STATION, KOZHIKODE, PIN-673661.

BY GOVT. PLEADER, SRI.S.JAMAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16.07.2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P(C).No.19062/2012(G)

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED
4.6.2012 IN W.P.(C)NO.12393 OF 2012.

EXT.P2: TRUE COPY OF THE ORDER DATED 29.07.2012 PASSED BY THE 1ST
RESPONDENT.

RESPONDENTS' EXHIBITS: Nil

//TRUE COPY//

PA TO JUDGE

PtK/

K. VINOD CHANDRAN, J.

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Dated this the 16th day of July, 2015

J U D G M E N T

The petitioner was aggrieved with the seizure of a vehicle for violation of the Provisions under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 (for brevity, 'Sand Act'). The petitioner's vehicle was found carrying river sand illegally and without any pass as provided under the Act. The petitioner was earlier before this Court seeking expeditious disposal of the confiscation proceedings. By Ext.P2, the petitioner was heard and it was found that allegations of transportation of illegal sand is correct. In such circumstance, the District Collector adopted the valuation of the vehicle made by the Regional Transport Officer, Rs.2,36,000 and directed payment of half of the amount within two weeks and the balance

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in three months.

2. The petitioner approached this Court with the above writ petition and on 17.08.2012, the petitioner was directed to make deposit of 30% of total value of the vehicle. It is not clear as to whether such a deposit has been made. In any event, the petitioner was also to undertake that no transfer of the vehicle shall be made during the pendency of the proceedings and the vehicle was also directed to be produced as and when called for by the authorities concerned.

3. This Court also not find any reason to interfere with the order of confiscation passed. There is also no material to show that the valuation of the vehicle fixed is in excess. The Collector with due caution obtained the valuation of the R.T.O for the vehicle. The prayer in the writ petition is also only for modifying the valuation of the vehicle. This Court does not find any reason to enter into such an exercise.

4. Ext.P2 is sustained. The writ petition would stand

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dismissed. If the petitioner does not pay the entire amount within a period of one month from today, the authorities would be entitled to proceed against the vehicle and also seize the vehicle if it has been released and if not, will be entitled to sell the vehicle.

The writ petition is dismissed.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Jude.