

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 17218 of 2015 (B)

PETITIONER:

THIMMAYYA. A S/O. ANNU GOWDA, AGED 53 YEARS
KIDDIBAGILU HOUSE, NERIYA VILLAGE
BELTHANGADY TALUK
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER SYED ALI
S/O. MODIN KUNHI, PARTIPADY
KODANGAL VITTAL PADNUR VILLAGE, BANTWAL TALUK.

BY ADV. SRI. O. D. SIVADAS

RESPONDENT(S):

1. THE REVENUE DIVISIONAL OFFICER
MANJESWARAM - 671 323.
2. THE SUB INSPECTOR OF POLICE
MANJESWARAM, KASARAGOD DISTRICT - 671 323.

BY GOVERNMENT PLEADER SRI V. K. RAJEK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 17218 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: THE COPY OF THE PERMIT OF THE PETITIONER'S VEHICLE
- EXT.P-2: THE COPY OF THE BILL DATED 7.5.2015
- EXT.P-3: THE COPY OF THE FIR REGISTERED BY THE POLICE IN CRIME NO.286 OF 2015 OF MANJESWARAM POLICE.
- EXT.P-4: THE COPY OF THE JUDGEMENT IN W.A.NO.1206/2015 DATED 16.8.2011 ISSUED BY THIS COURT.

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRA, J.

W.P.(C)No.17218 of 2015

Dated this the 8th day of September, 2015

JUDGMENT

The petitioner has filed this Writ Petition seeking a writ of mandamus commanding the respondents to release the vehicle bearing No.KA 21/A 9368 with the load forthwith and a declaration that the seizure of the vehicle and consequential proceedings made by the respondents is illegal.

2. By order dated 18.6.2015 this Court, taking note of the submission made by the petitioner that, the petitioner has transported sand from Maharashtra, as borne out from the documents produced and that they bear the signature and seal of the check post authorities, ordered that vehicle bearing No. KL 21/A 9368 shall be released to the petitioner on executing a simple bond and also on furnishing an undertaking that the vehicle will not be alienated nor any action will be pursued so as to cause diminution of value of the vehicle in any manner.

3. Today when the case was taken up for further

consideration, the learned counsel for the petitioner would submit that, in view of the release of the vehicle the petitioner does not require any further orders from this Court and the Writ Petition may be closed.

4. I heard the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

Taking note of the fact that the vehicle has already been released based on the interim order passed by this Court, this Writ Petition is disposed of directing the 1st respondent to take necessary steps to finalise the proceedings initiated against the petitioner, through the competent officer, if the same is yet to be finalised, with notice to the petitioner.

Sd/-
ANIL K.NARENDRA, JUDGE

dsn