

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

WP(C).No. 22437 of 2009 (Y)

PETITIONER:

MATHEW ISSAC, S/O.ISSAC,CHOLLAKUZHY HOUSE,
CHALAMPADAM DESOM, PEECHI VILLAGE,
KOOTTALLA, PATTIKKAD, THRISSUR.

BY ADV. SRI.V.BINOY RAM

RESPONDENT(S) :

1. STATE OF KERALA, REP. BY THE SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR, THRISSUR.
3. THE SUB INSPECTOR OF POLICE,
CHERUTHURUTHY, THRISSUR.
4. THE JOINT REGIONAL TRANSPORT OFFICER,
WADAKKANCHERY.
5. SAJEESH, S/O.NARAYANANKUTTY,NACHIKKOTTIL HOUSE,
KURUMALA DESOM, CHELAKKARA VILLAGE,
THALAPPILLY TALUK, THRISSUR DISTRICT.

R1 TO R4 BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.T.O.

WP(C).No. 22437 of 2009 (Y)

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE TRANSFER AGREEMENT DATED 24.02.2009
BETWEEN PETITIONER AND THE 5TH RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE PETITION DATED 03.04.2009 SUBMITTED BY
THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE ORDER DATED 25.07.2009
IN B7.14973/2009 OF THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS: NIL.

/TRUE COPY/

PS TO JUDGE

SK

K. VINOD CHANDRAN, J.

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W.P.(C) No.22437 of 2009 - Y

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Dated this the 16th day of July, 2015

J U D G M E N T

The petitioner the registered owner of the vehicle bearing Reg. No. KL-07/AX-5406, challenges Ext.P3 order. Admittedly, the vehicle was detained for reason of illegal transportation of river sand. Offences were alleged, for violation of provisions under Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 (for brevity, 'Sand Act'). Confiscation proceedings were initiated. The vehicle was found to be in possession of one Sajeesh, the 5th respondent herein, who was also found to be a habitual offender. In any event, the vehicle was ordered to be confiscated and the value was fixed at Rs.2,75,000/-, on payment of which alone, the vehicle could be released to the owner.

2. The petitioner claims that the petitioner was the registered owner but however the vehicle even as per Ext.P3 was in possession of another person. The said possession on the basis of an agreement is recognised in law, despite what is stated in Ext.P3. The petitioner hence cannot seek release of the vehicle, which was in the valid possession of another, from whose custody the authorities seized the vehicle. In such circumstance, there is no reason why Ext.P3 should be interfered with at the instance of the petitioner. Ext.P3 would stand confirmed. The respondent officers would be entitled to sell the vehicle, if not already sold.

The writ petition would stand dismissed.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge.