IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937

WP(C).No. 19889 of 2015 (I)

PETITIONER :

SAJEEV, AGED 37 YEARS,
S/O.LATE VIKRAMAN, SAJI VILASOM, PLACHERY P.O.,
PUNALUR, KOLLAM DISTRICT.

BY ADVS.SRI.S.RAJEEV
SRI.K.K.DHEERENDRAKRISHNAN
SRI.V.VINAY

RESPONDENT(S):

1. **STATE OF KERALA,**
   REP. BY SECRETARY TO GOVERNMENT,
   GOVERNMENT SECRETARIAT, REVENUE DEPARTMENT,
   THIRUVANANTHAPURAM-695 001.

2. **THE DISTRICT COLLECTOR,**
   COLLECTORATE, KOLLAM-691 001.

3. **THE REVENUE DIVISIONAL OFFICER (RDO),**
   REVENUE DIVISIONAL OFFICE, KOLLAM-691 001.

4. **THE SUPERINTENDENT OF POLICE (RURAL),**
   OFFICE OF THE SUPERINTENDENT OF POLICE,
   KOTTARAKKARA, KOLLAM-691 506.

5. **THE SUB INSPECTOR OF POLICE,**
   PUNALUR POLICE STATION, KOLLAM
   (CRIME NO.886/2011 OF PUNALUR POLICE STATION,
   KOLLAM DISTRICT).PIN-691 001.

BY GOVERNMENT PLEADER SRI.MANOJ P. KUNJACHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

sts

WP(C).No. 19889 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 : **TRUE COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE NO.KL-02-D4195.**

EXT.P2 : **TRUE COPY OF THE ORDER DT. 29-11-2012 IN ST.NO. 3218/2011 OF JFCM-III, PUNALUR.**

EXT.P3 : **TRUE COPY OF THE REPRESENTATION DT. 5-4-2013 FILED BEFORE THE 2ND RESPONDENT BY THE PETITIONER.**

EXT.P4 : **TRUE COPY OF THE COMPLAINT DT. 11-4-2014 FILED BEFORE THE 4TH RESPONDENT BY THE PETITIONER.**

EXT.P5 : **TRUE COPY OF THE REPRESENTATION DT. 23-12-14 FILED BY THE PETITIONER BEFORE ASST.SUPERINTENDENT OF POLICE, PUNALUR.**

EXT.P6 : **TRUE COPY OF THE REPRESENTATION DT. 30-5-2015 FILED BEFORE THE 3RD RESPONDENT ALONG WITH POSTAL RECEIPT.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

K. VINOD CHANDRAN, J.

W.P(C). No.19889 of 2015

Dated this the 6th day of August, 2015.

JUDGMENT

The petitioner is before this Court contending that the proceedings for confiscation of the vehicle, seized by the respondent authorities as early as in the year 2011, has not been concluded till date. The petitioner relies on a decision in ***Shan v. State of Kerala [2010 (3) KLT 413]***, wherein interim custody, of the vehicles seized was directed to be granted, on condition that the owner deposits 30% of the value of the vehicle and provide either a Bank Guarantee or security by way of immovable property for the balance value of the vehicle. The petitioner also relies on paragraph 13 to contend that the District Collector ought to have concluded the proceedings within two weeks.

2. At the outset it has to be noticed that, thought the seizure was in the year 2011, the petitioner has not chosen to

approach this Court with any of these prayers at any earlier point of time. An FIR was registered before the Magistrate, which however ended in dropping of the proceedings, under Section 258 of the Code of Criminal Procedure, since cognizance was taken mistakenly, as has been held by this Court. In any event, the petitioner also has not approached the Magistrate's Court for release of the vehicle on interim custody.

3. The learned Government Pleader submits that, the petitioner also did not appear before the District Collector at any point of time. Exts.P3 and P4 if at all filed was grossly delayed. Exts.P3 and P4 were also of the year 2013 and 2014. In any event, now the vehicle has been in custody for the last so many years, there would be no purpose in considering the interim custody. With respect to the confiscation proceedings as provided under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001, the same is to be carried out by the 2nd respondent District Collector and despite the criminal proceedings having ended in dropping of the proceedings, the District Collector would have authority to proceed with the

matter.

In such circumstances, the 5th respondent shall transmit the files regarding the seizure of the vehicle of the first respondent at any rate within a week from today. The petitioner shall appear before the Office of the 3rd respondent on 18.08.2015 and the 3rd respondent shall complete the proceedings at any rate within two weeks from that day.

The writ petition is disposed of.

K. VINOD CHANDRAN,
JUDGE

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