

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 21287 of 2015 (I)

PETITIONER(S) :

- 1. COUSINS INDUSTRIAL CO-OPERATIVE SOCIETY,
NO:SIND, (R)381, KODUNGALLOOR TALUK,
AZHIKODE JETTY.P.O, THRISSUR DISTRICT,
REPRESENTED BY ITS PRESIDENT, SRI.JOMON.P.J.**
- 2. SANTHOSH.C.K, AGED 44 YEARS,
S/O.KUMARAN, CHALLIYIL HOUSE, AZHIKODE.P.O.,
KODUNGALLOOR, THRISSUR DISTRICT-680 666.**

**BY ADVS.SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
FISHERIES AND PORTS(D)DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.**
- 2. PORT CONSERVATOR,
PORT OFFICE, AZHIKODE JETTY.P.O, KODUNGALLOOR,
THRISSUR DISTRICT, PIN-680 666.**
- * 3. C.I OF POLICE,
OFFICE OF THE C.I OF POLICE, AZHIKODE.P.O, KODUNGALLOOR,
THRISSUR DISTRICT-680 666. (CORRECTED)**
- * 4. MR.HABEEB,
POLICE CONSTABLE, C/O.C.I OF POLICE,
OFFICE OF THE C.I OF POLICE, AZHIKODE P.O., KODUNGALLOOR,
THRISSUR DISTRICT-680 666.(CORRECTED)**

ADDRESS OF 3RD & 4TH RESPONDENTS ARE CORRECTED AS;

- 3. C.I. OF POLICE,
OFFICE OF THE C.I. OF POLICE, KODUNGALLOOR P.O.,
THRISSUR DISTRICT- 680 666.**

WP(C).No. 21287 of 2015 (I)

- 4. MR.HABEEB,
POLICE CONSTABLE, C/O.C.I OF POLICE,
OFFICE OF THE C.I OF POLICE, KODUNGALLOOR P.O.,
THRISSUR DISTRICT- 680 666.**

*** AS PER ORDER DATED 29.07.2015 IN I.A.NO.10971 OF 2015**

R1 TO R3 BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: A TRUE COPY OF THE CERTIFICATE OF REGISTRATION DATED 08.12.2011**
- P2: A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF VEHICLE NO.KL5S-3140.**
- P3: A TRUE COPY OF THE DRIVING LICENSE OF THE 2ND PETITIONER.**
- P4: A TRUE COPY OF THE GO(MS)NO.17/2010-F & PD DATED 18.03.2010 ISSUED BY THE 1ST RESPONDENT.**
- P5: A TRUE COPY OF THE MANUAL DREDGING NORMS WITHIN PORT LIMITS.**
- P6: A TRUE COPY OF THE PERMIT DATED 29.06.2015 ISSUED BY THE 2ND RESPONDENT.**
- P7: AN EXAMPLE OF VEHICLE PASS ISSUED ON 24.06.2015 ON AN APPLICATION SUBMITTED BY THE 1ST PETITIONER.**
- P8: A TRUE COPY OF THE DETAILS OF APPLICATION SUBMITTED BY THE 1ST PETITIONER FOR LOADING DREDGED MATERIAL ON 01.07.2015.**
- P9: A TRUE COPY OF THE BILL DATED 01.07.2015 ISSUED BY THE 1ST PETITIONER TO THE 2ND PETITIONER.**
- P10: A TRUE COPY OF THE ACKNOWLEDGEMENT FOR SAND PASS REQUEST SUBMITTED BY THE 1ST PETITIONER ON 01.07.2015.**
- P11: A TRUE COPY OF THE LETTER ISSUED BY THE SECRETARY AITUC REGISTRATION NO.08-17/88.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

W.P.(C) No. 21287 of 2015 (I)

Dated this the 29th day of July, 2015

J U D G M E N T

The petitioners have filed the above writ petition on the ground that a vehicle was seized by the 3rd and 4th respondents. The petitioners submit that the vehicle, which was seized, was transporting dredged material with a proper permit and pass and the vehicle was seized on the personal animosity of the 4th respondent.

2. The learned Government Pleader, on instructions, submits that the vehicle was not seized by the 3rd respondent and it was taken possession of by the Circle Inspector of Police, Kodungaloor. However, no statement is filed since the proper party is not impleaded. Despite the petitioner being directed to implead the proper party, the Circle Inspector of Police, Kodungallor, has not been impleaded. The learned Government Pleader also submits, on instruction, that the transportation was alleged to be of

river sand and a crime has been registered as Crime No.1625/2015 and the F.I.R. filed before the Judicial First Class Magistrate's Court, Kodungaloor.

3. In such circumstance, the petitioners shall approach the jurisdictional Magistrate's Court for release of the vehicle.

Writ petition is closed with the above liberty.

Sd/-
K.VINOD CHANDRAN,
JUDGE