

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 24915 of 2015 (L)

PETITIONER :

SAJU, AGED 45 YEARS,
S/O.CHELLAPPAN,
192, VALAMPARAMBIL HOUSE,
POOZHICAL.P.O.,
APPANCHIRA, VAIKOM,
KOTTAYAM.

BY ADV. SRI.M.J.THOMAS

RESPONDENTS :

1. THE DISTRICT COLLECTOR,
COLLECTORATE,
KOTTAYAM – 686 001.
2. THE SUB INSPECTOR OF POLICE,
KADUTHURUTHY, KOTTAYAM –686 507.
3. THE ASSISTANT SUB INSPECTOR OF POLICE,
KADUTHURUTHY, KOTTAYAM –686 507.
4. THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
KOTTAYAM, OFFICE OF THE GEOLOGIST,
KOTTAYAM –686 001.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

- | | |
|--------|---|
| EXT.P1 | COPY OF THE REGISTRATION CERTIFICATE OF HGV TIPPER
NO.KL-04-E-9041. |
| EXT.P2 | COPY OF THE GOODS CARRIAGE PERMIT OF HGV TIPPER
NO.KL-04-E-9041. |
| EXT.P3 | COPY OF THE INSURANCE CERTIFICATE ISSUED BY THE NEW
INDIA ASSURANCE COMPANY. |
| EXT.P4 | COPY OF THE MINERAL TRANSPORTATION PASS ISSUED BY THE
PRODUCER TO DRIVER OF THE PETITIONER'S VEHICLE. |
| EXT.P5 | COPY OF THE BILL ISSUED BY THE DEALER OF THE PETROLEUM
AGENCY EVIDENCING THAT PETROL FOR AN AMOUNT OF
₹1500/- WAS FILLED IN THE ABOVE VEHICLE ON 11.8.2015. |

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.24915 of 2015

Dated this the 19th day of August, 2015

JUDGMENT

The petitioner, who is the registered owner of a HGV Tipper bearing registration No.KL-04-E-9041, has approached this Court in this Writ Petition seeking an order to declare that the seizure of his vehicle is illegal and malafide. The petitioner has also sought for an alternate remedy directing the 2nd and 3rd respondents to report the seizure of the vehicle and produce it before the Judicial First Class Magistrate Court, Vaikom.

2. I heard the arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondents.

3. The learned Government Pleader on instructions submitted that, after seizing the vehicle, report has already been submitted before the Revenue Divisional Officer and that the 2nd and 3rd respondents shall produce the vehicle in question before the Judicial First Class Magistrate Court, Vaikom within three days from today.

In such circumstances, this Writ Petition is disposed of directing the 2nd and 3rd respondents to produce the petitioner's HGV Tipper bearing registration No.KL-04-E-9041 before the Judicial First Class Magistrate Court, Vaikom within a period of three days from today so as to enable the petitioner to make an appropriate application for interim custody of the vehicle.

The Writ Petition is disposed of as above.

ANIL K.NARENDRAN, JUDGE

skj