

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 26841 of 2015 (E)

PETITIONER(S):

**MUHAMMED SHAFI,
S/O. EBRAHIM, CHITTARIKKAL HOUSE, VELIVANNA P.O.,
THAMARASSERY VIA, KOZHIKODE DISTRICT.**

**BY ADVS.SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN**

RESPONDENT(S):

- 1. THE STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT
MINISTRY OF REVENUE, SECRETARIAT,
THIRUVANANTHAPURAM-695037.**
- 2. DISTRICT COLLECTOR,
CIVIL STATION, UPHILL, MALAPPURAM - 676 505.**
- 3. THE REVENUE DIVISIONAL OFFICER,
REVENUE DIVISIONAL OFFICE, PERINTHALMANNA
MALAPPURAM DISTRICT- 679 322.**
- 4. THE STATION HOUSE OFFICER,
AREACODE POLICE STATION, MALAPPURAM - 673 639.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1- TRUE COPY OF THE MAHAZAR PREPARED BY THE 4TH RESPONDENT.**
- EXHIBIT-P2- TRUE COPY OF THE ORDER OF THE 3RD RESPONDENT.**
- EXHIBIT-P3- TRUE COPY OF THE REVISION PETITION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXHIBIT-P4- TRUE COPY OF THE PETITION DATED 13/07/2011 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXHIBIT-P5- TRUE COPY OF THE ORDER OF THE JFCM COURT, MANJERI IN C.M.P 1830/2012 DATED 11/06/2012.**
- EXHIBIT-P6- TRUE COPY OF THE VALUATION REPORT DATED 21/05/2012.**
- EXHIBIT-P7- TRUE COPY OF THE ORDER OF THE 2ND RESPONDENT DATED 20/12/2013.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 26841 of 2015

Dated this the 12th day of October, 2015

J U D G M E N T

Petitioner approached this Court on account of determination of the valuation of the vehicle, which was involved in transportation of river sand without permit.

2. The District Collector concluded the proceedings and directed the petitioner to remit ₹2,80,000/- in lieu of the release of the vehicle in favour of the petitioner which is ordered to be confiscated.

3. Petitioner challenges the valuation. He submits that the vehicle was released to the petitioner on interim custody by the Judicial First Class Magistrate Court after obtaining a valuation report from the AMVI. AMVI fixed the value of the vehicle as ₹1,85,000/-. The petitioner remitted an amount of ₹55,000/- on the release of the vehicle.

4. This Court is of the view that the District Collector shall

reconsider the matter after adverting to the valuation of the vehicle at the time of release of the vehicle to the petitioner, in the light of the AMVI report and the Regional Transport Officer shall also advert to any other report, available and pass fresh orders. Fresh decision shall be taken after hearing the matter and after adverting to the report of the AMVI within one month from the date of receipt of a copy of this judgment.

This writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE,
Judge

MBS/

-true copy-

WP(C).NO.26841 OF 2015

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