

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 14TH DAY OF SEPTEMBER 2015/23RD BHADRA, 1937

WP(C).No. 27658 of 2015 (F)

PETITIONER(S):

**SAKEER,
S/O.MOIDEEN KUTTY, PUNNATH HOUSE, KODANAD,
MEZHATHUR, PALAKKAD DISTRICT.**

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
PALAKKAD - 678 001.**
- 2. REVENUE DIVISIONAL OFFICER,
OTTAPALAM, PALAKKAD DISTRICT - 678 001.**
- 3. THE SUB INSPECTOR OF POLICE,
CHALISSERY POLICE STATION, CHALISSERY - 679 536.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 27658 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. COPY OF THE VAT LICENCE.

EXHIBIT P2. COPY OF THE LICENCE ISSUED BY THE THRITHALA GRAMA PANCHAYAT

EXHIBIT P3. COPY OF THE CERTIFICATE OF REGISTRATION.

EXHIBIT P4 SERIES. COPY OF THE DELIVERY NOTES.

EXHIBIT P5. COPY OF THE JUDGMENT DATED 11.03.2015 IN WPC NO.7251/2015.

EXHIBIT P6. COPY OF THE ORDER DATED 13.04.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

A.MUHAMED MUSTAQUE, J.

WP.(C) No.27658 of 2015

Dated this the 14th day of September, 2015

JUDGMENT

The petitioner, challenging an order passed by the Revenue Divisional Officer under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 (for short, the “Act”), has approached this Court. The petitioner’s case is that the sand brought from Karnataka and therefore, the Act would not apply.

2. This Court is of the view that, necessarily, this is a matter, the petitioner can approach before the statutory authority against Ext.P6 order, he has a statutory remedy under the Act. In view of the above, with liberty to resort such statutory remedy, this writ petition is disposed of.

If the petitioner moves an interim application in revision before the District Collector under Section 23(b) of the Act, challenging Ext.P6 order, that application shall be considered by the District Collector within ten days from the date of moving of such application.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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