

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 32328 of 2014 (M)

PETITIONER:

1. **RAMYA BANU S,**
W/O.KUMAR, 21, KATCHERI NEW STREET
PALANI, DINGIGAL DISTRICT, TAMIL NADU
WHO IS REPRESENTED BY THE
POWER OF ATTORNEY HOLDER A SARAVANAN
21 KTACHERI NEW STREET, PALANI, DISTRICT, TAMIL NADU.
2. **K.SUMATHI,**
W/O.KRISHNANSWAMY NO 8/81, AYYAPAN KOYIL STREET,
AKALAMPUTHUR P O, PALANI, DINDIGAL DISTRICT,
TAMIL NADU, WHO IS REPRESENTED BY THE
POWER OF ATTORNEY HOLDER A SARAVANAN
21 , KATCHERI NEW STREET, PALANI
DISTRICT, TAMIL NADU.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

1. **THE DISTRICT COLLECTOR, KASARAGOD 671121.**
2. **THE REVENUE DIVISIONAL OFFICER**
KANHANGAD-671315.
3. **THE SUB INSPECTOR OF POLICE,**
BACKAL POLICE STATION, KASARAGOD DISTRICT-671121.
4. **THE SALES TAX OFFICER**
MANJESWARAM CHECHK POST, KASARAGOD-671121.

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1:- COPY OF THE CIRCULAR DTD 11/11/2010

P2:- COPY OF THE LETTER DTD 29/8/2014

**P3:- COPY OF THE RETAIL INVOICE TO THE CONSIGNMENT DTD 17/11/2014 IN
RESPECT OF VEHICLE NO TN 57/AZ-8260**

**P3(A): COPY OF THE RETAIL INVOICE TO THE CONSIGNMENT DTD 17/11/2014 IN
RESPECT OF VEHICLE NO TN 57/AZ-8277**

**P4:- TRUE COPY OF THE PASS ISSUED TO THE PETITIONERS VEHICLE NO TN 5
7/AZ 8260 DTD 17/11/14**

**P4(A):-TRUE COPY OF THE PASS ISSUED TO THE PETITIONERS VEHICLE NO TN
57/AZ 8277 DTD 17/11/14**

P5:- TRUE COPY OF THE RECEIPT IN VEHICLE NO TN 57 AZ 8277 DTD 26/11/2014

**P5(A):- TRUE COPY OF THE RECEIPT IN VEHICLE NO TN 57/AZ 8277 DTD 26/11/2014 IN
VEHICLE NO TN 57 AZ 8260**

**P6(A):- TRUE COPY OF THE DELIVERY NOTE IN VEHICLE NO TN 57 AZ 8277 DTD
26/11/2014**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON J.

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W.P.(C) No. 32328 of 2014

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Dated, this the 6th day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers :

"i) issue a writ of mandamus or other appropriate writ, order or direction directing the respondents to release the vehicles bearing Nos. TN 57/AZ 8260 and TN 57/AZ 8277 owned by the petitioners with the load forthwith.

ii) declare that the seizure of the vehicles and consequential proceedings made by the respondents 1 to 3 is illegal arbitrary and without any jurisdiction.

iii) Grant the petitioner such other and further reliefs which this Honourable Court deem just and fit in the circumstances of the case including the costs.

2. When the matter came up for consideration on 02.12.2014, the following interim order was passed.

"If the sand transported in the petitioners' vehicle bearing Reg. No. TN 57 AZ 8260 and TN 57 AZ 8277 is having valid document from other State,

the vehicles with the load shall be released to the petitioners on executing a bond.

Post after X'mas holidays."

3. The learned counsel for the petitioners submits that pursuant to the interim order, the vehicles have been released. Obviously, the vehicles have been detained alleging violation of the provisions contained in the Kerala Protection of River Banks and Regulation of Removal of Sand Act 2001, for having pursued unauthorised transportation of river sand. According to the petitioners, no offence has been committed by them and that the goods were supported by proper pass issued by the competent authority.

4. After hearing both the sides, this Court finds that the proceedings has to be taken to a logical conclusion, passing appropriate orders in accordance with law by the competent authority/second respondent. In the said circumstances, the writ petition is disposed of, directing the second respondent to finalize the proceedings, passing appropriate orders in accordance with law, after hearing the petitioners, at the earliest, at any rate, within three months from the date of receipt of a copy of this judgment.

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: 3 :

Petitioners shall produce a copy of this judgment along with copy of the writ petition before the second respondent for further steps.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd