

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C) .No. 35994 of 2008 (I)

PETITIONER(S) :

UNNIKRISHNAN,
S/O. SUBRAMANIAN, AGED 27 YEARS,
KANNAMPALLY HOUSE, KADAMPUZHA P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.SHOBY K.FRANCIS.

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,
COLLECTORATE,
MALAPPURAM.
2. SUPERINTENDENT OF POLICE,
MALAPPURAM.
3. SUB INSPECTOR OF POLICE,
TIRUR,
MALAPPURAM DIST.

BY GOVERNMENT PLEADER SRI. S.JAMAL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLEW
NO.KL10/7803 OWNED BY PETITIONER DATED 30/11/06.

EXHIBIT P2: TRUE COPY OF THE AGREEMENT DATED 21/06/2008 ENTER IN TO BETWEEN
PETITIONER AND R.C. OWNER.

EXHIBIT P3: TRUE COPY OF THE GOODS CARRIAGE PERMIT DATED 01/12/06 ISSUED TO
VEHICLE.

RESPONDENT(S) ' EXHIBITS:

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. Vinod Chandran, J

W.P.(C).No.35994 of 2008-I

Dated this the 27th day of July, 2015

JUDGMENT

The writ petition was filed on the allegation that a vehicle, bearing registration No.KL-10-S-3440, was seized on allegations of violation of the provisions of the Kerala Protection of River Banks (Protection and Regulation of Removal of Sand) Act, 2002 [for brevity “Sand Act”]. The same was disposed of at the admission stage itself, directing consideration of the release of the vehicle under Section 23 of the Sand Act read with Rule 27 (3) of the Rules framed thereunder.

2. Later, a correction petition was filed, stating that the registration number of the vehicle seized was “KL-10-7803”. That was also allowed. However, before the release was effected, the official respondents filed a review petition, numbered as R.P.No.191 of 2009, alleging that the vehicle was seized not under the provisions of the Sand Act, but under Section 17(3) of the Anti Social Activities (Prevention) Act, 2007 [for brevity “Act of 2007”]. The judgment was reviewed by re-calling the same. There was no appearance for the respondent/writ petitioner.

3. Even when the writ petition was taken up for hearing today, there was no appearance for the petitioner. In such circumstance, the averments in the writ petition was quite contrary to the allegations on which the seizure was effected. Therefore, the writ petition would stand dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]