

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 29TH DAY OF MAY 2015 / 8TH JYAISHTA, 1937

WP(C).No.37787 of 2009 (P)

PETITIONER :

MATHEW, S/O.JOSEPH, EDATHINAL,
KAKKAYAM, KARACHUNDU AMSOM DESOM, KOYILANDI TALUK,
KOZHIKODE DISTRICT.

BY ADV. SRI.K.B.ARUNKUMAR

RESPONDENT :

THE DISTRICT COLLECTOR, COLLECTORATE,
KOZHIKODE.

BY SR.GOVERNMENT PLEADER SRI.SOJAN JAMES

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
29-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.37787 of 2009 (P)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 : COPY OF ORDER PASSED BY THE RESPONDENT.
- EXT.P2 : COPY OF THE REPRESENTATION DTD.17.12.2009
SUBMITTED BY THE PETITIONER BEFORE THE
RESPONDENT.

RESPONDENT'S EXHIBITS : NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C)No.37787 of 2009

Dated this the 29th day of May, 2015

JUDGMENT

The petitioner is the owner of a Mini Lorry bearing Registration No.KL 10 X 1594 which was seized by the Sub Inspector of Police, Balusserry on 30.10.2009 alleging illegal transportation of river sand. The proceedings initiated against the petitioner culminated in an order passed by the respondent by which he was directed to deposit a sum of ₹75,000/- being the value of the vehicle, to the River Management Fund within a period of 7 days. Ext.P1 is the order passed by the respondent in this regard. On receipt of Ext.P1 the petitioner submitted Ext.P2 representation seeking permission to remit the aforesaid amount of ₹75,000/- in 10 equal monthly instalments, for releasing the vehicle and he has also expressed his readiness to furnish solvent sureties having landed property. When the request made by the petitioner was pending consideration he has approached this Court in this writ petition seeking a writ of mandamus commanding the respondent to grant 10 equal monthly instalments to remit the amount demanded in Ext.P1 order and for other consequential reliefs.

2. On 20.1.2010 this Court passed the following order:-

"2. There will be a direction to the respondent to release the vehicle, viz. Mini Lorry bearing registration No.KL 10 X 1594 to the petitioner on the following conditions:

i. Petitioner shall deposit an amount of ₹.37,500/-. He shall also execute a bond furnishing security for the balance amount to the satisfaction of the District Collector concerned. He shall further undertake to produce the vehicle as and when directed and also not to transfer/alienate the vehicle pending this writ petition. It shall also be undertaken by the registered owner that he will not cause any damage to the vehicle so as to reduce its value and utility.

ii. If the vehicle gets involved in a similar offence after such release, it shall be liable to immediate seizure in which event it shall not be released until finalisation of the writ petition."

3. I heard the arguments of the learned counsel for the petitioner and also the learned Government Pleader appearing for the respondent.

4. The main relief sought in the writ petition is seeking a writ of mandamus commanding the respondent to grant 10 equal monthly instalments for the petitioner to pay the amount of ₹75,000/- demanded in Ext.P1 order. By order dated 20.1.2010 this Court has directed the petitioner to deposit a sum of ₹37,500/- and to furnish a bond for the

balance sum to the satisfaction of the District Collector for releasing the vehicle. Now the balance amount payable by the petitioner to the River Management Fund is ₹.37,500.

5. The learned counsel for the petitioner submits that, the petitioner is ready to pay the balance amount covered by Ext.P1 demand notice and that he may be permitted to remit the same in monthly instalments.

6. Considering the facts and circumstances of the case, this Writ Petition is disposed of permitting the petitioner to remit the balance amount of ₹37,500/- payable under Ext.P1 order in three equal monthly instalments commencing from 1.7.2015 onwards. If the petitioner remits the aforesaid instalments in time, no recovery proceedings pursuant to Ext.P1 shall be taken against him. In case of default, it will be open to the respondent to initiate appropriate recovery proceedings against the petitioner for the entire balance amount.

Sd/-

ANIL K.NARENDRAN, JUDGE

skj