

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 33782 of 2015 (W)

PETITIONER(S):

**KURUVILA, S/O.CHACKO,
PATHIYIL HOUSE, ODAYANCHAL,
PADINARUTH P.O., HOSDURG TALUK,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.M.N.SANJITH,
SRI.JAISON JOSEPH.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REP. BY ITS SECRETARY (REVENUE),
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
- 2. THE DISTRICT COLLECTOR,
KASARAGOD DISTRICT, COLLECTORATE,
KASARAGOD- 671 123.**
- 3. THE SUB DIVISIONAL OFFICER,
OFFICE OF DIVISIONAL MAGISTRATE,
KASARAGOD DISTRICT-671 315.**
- 4. THE STATION HOUSE OFFICER,
KASARAGOD POLICE STATION,
KASARAGOD -671 121.**

BY SR. GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 33782 of 2015 (W)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT P1- TRUE COPY OF THE ORDER IN CMP NO.2157 OF 2015 IN
CRIME NO.283 OF 2013 OF THE HONOURABLE JUDICIAL
FIRST CLASS MAGISTRATE COURT-1, KASARAGOD.**
- EXT P2- TRUE PHOTOCOPY OF THE MEMO DATED 10/09/2015 OF THE
HONOURABLE JUDICIAL FIRST CLASS MAGISTRATE COURT-1,
KASARAGOD.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.33782 of 2015

Dated this the 8th day of December, 2015

JUDGMENT

The petitioner has approached this Court alleging that in spite of an order of interim release of the vehicle bearing registration No.KL-60-9900 ordered by the Judicial First Class Magistrate Court No.1, Kasaragod, the respondents refused to act upon the directions of the Magistrate.

2. The petitioner's vehicle in question is admittedly involved in the proceedings under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. The petitioner approached the Magistrate Court for interim custody pending proceedings of confiscation.

3. The Magistrate passed the order on 7.9.2015. Today, learned Government Pleader made available before this Court that the proceedings of the Sub Divisional Magistrate, Kasaragod dated 24.12.2013 ordering confiscation of the vehicle. It is seen from

that order, the RC owner of the vehicle was one Prashob Kumar and he was served with notice.

In such circumstances, this Court is of the view that the order of the Magistrate for interim release has become redundant as the final order of confiscation has been passed by the Sub Divisional Magistrate, Kasaragod on 24.12.2013. However, the petitioner is at liberty to challenge the above order before the District Collector. If the petitioner approaches the District Collector within ten days from the date of receipt of a copy of this judgment, the District Collector shall consider the appeal after condoning delay within a further period of one month. Today, the petitioner has also acknowledged the order of confiscation through this Court as learned Government Pleader handed over a copy of the same to the petitioner.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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