

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 35305 of 2015 (K)

PETITIONER :

**ZAINUL ABID, S/O.ABBAS,AGED 27 YEARS,
AMBALAVATTATH HOUSE, PURAMANNUR P.O.,
MALAPPURAM DISTRICT.**

BY ADV. SRI.BABU S. NAIR

RESPONDENT(S):

- 1. THE REVENUE DIVISIONAL OFFICER,
TIRUR, MALAPPURAM DISTRICT, PIN-676 101.**
- 2. THE SUB INSPECTOR OF POLICE,
VALANCHERY POLICE STATION, MALAPPURAM DISTRICT,
PIN-676 552.**

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.35305 of 2015

Dated this the 30th day of November, 2015

JUDGMENT

The petitioner is the owner of a Mahindra Bolero Car bearing registration No.KL-36/5272. The above vehicle has been seized by the second respondent on 19.2.2015. It appears that a crime is registered against the petitioner as Crime No.205/2015 by the Valanchery.

2. The petitioner approached this Court saying that the vehicle accompanying any other vehicle transporting illegal sand cannot be seized under the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act. Therefore, the seizure is illegal and the vehicle is liable to be released.

On the other hand, the learned Government Pleader submits that the vehicle has been seized on account of obstruction caused to the public officials discharging their duties.

This Court is of the view that the petitioner shall approach the competent jurisdictional Magistrate for seeking custody of the vehicle. The second respondent is directed to report seizure of the vehicle within three days from the date of receipt of a copy of this judgment. The competent jurisdictional Magistrate shall consider the application within ten days of moving such application by the petitioner. It is made clear that if the vehicle referred as above is not involved in transporting river sand, the Magistrate shall consider the request of the petitioner after adverting to other offences committed by the petitioner.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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