

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 37780 of 2015 (V)

PETITIONER:

**SAJEEVAN, AGED 42 YEARS,
S/O.CHANDRAN, PALAYI HOUSE,
KODASSERY VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR TALUK.**

BY ADV. SRI.K.ANAND

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE,
THRISSUR 680 001.**
- 2. THE DEPUTY COLLECTOR (REVENUE RECOVERY),
COLLECTORATE, THRISSUR - 680 001.**
- 3. THE SUB INSPECTOR OF POLICE,
KORATTY POLICE STATION.**
- 4. MALAYATTOOR NEELESWARAM GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY - 680 308.**
- 5. RAJEEV KUMAR K.V, AGED 36 YEARS,
S/O.VISWAMBHARAN K.G, KALLELIL HOUSE,
MALAYATTOOR ERNAKULAM DISTRICT - 683 587.**

R1 TO R3 GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1. TRUE COPY OF THE SALE AGREEMENT DATED 1.11.11.
- EXHIBIT P2. TRUE COPY OF THE CERTIFICATE OF REGISTRATION NO.KL.11.Q.335.
- EXHIBIT P3. TRUE COPY OF THE TAX RECEIPT DATED 16.11.15.
- EXHIBIT P4. TRUE COPY OF THE GOODS CARRIAGE PERMIT DATED 17.12.11.
- EXHIBIT P5. TRUE COPY OF THE SEIZURE MAHAZAR DATED 8.6.09.
- EXHIBIT P6. TRUE COPY OF THE REPORT DATED 8.6.2009.
- EXHIBIT P7. TRUE COPY OF THE SAND PASS DATED 8.6.09.
- EXHIBIT P8. TRUE COPY OF THE JUDGMENT IN WPC 19536/2009 DATED 13.7.2009.
- EXHIBIT P9. TRUE COPY OF THE INTERIM ORDER NO.B7-29068/2009
DATED 10.08.09 ISSUED BY THE IST RESPONDENT.
- EXHIBIT P10. TRUE COPY OF THE FINAL ORDER PASSED BY THE IST RESPONDENT
DATED 8.10.09.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 37780 of 2015

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Dated this the 21st day of December, 2015

J U D G M E N T

The petitioner is a transferee of a vehicle bearing No.KL 11 Q 335. The above vehicle was involved for violation of the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. The vehicle has been ordered to be confiscated. The petitioner submits that the vehicle cannot be confiscated as he is a bonafide purchaser of the vehicle and proceeding has to be initiated against the transferrer, the 5th respondent.

2. As seen from the records the proceedings have been initiated in the year 2009. The vehicle has been transferred to the petitioner only in the year 2011. In that view of the matter the petitioner cannot wriggle out of the liability as the proceedings are initiated against the vehicle not against the individuals.

3. Therefore the petitioner cannot seek release of the vehicle which has been now confiscated. However the learned counsel for the petitioner lastly prayed that he may be given installment facility to pay of the liabilities. In that view of the matter following directions are issued.

If the petitioner remits Rs.25,000 and on executing a simple bond within 3 days the vehicle shall be released to the petitioner.

The balance shall be paid by the petitioner within 10 equal installments starting from 15.1.2016.

If the petitioner commits any default in instalment, the respondents are free to proceed against the vehicle and also against the petitioner in accordance with the law.

The petitioner is at liberty to proceed against the 5th respondent in accordance with the law to recover the payment.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE