

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 38466 of 2015 (G)

PETITIONER:

**MOHAMMED HANEEF, AGED 43 YEARS,
S/O.SULAIMAN, NEHRU NAGAR, KABAKA,
PUTHOOR TALUK, D.K.DISTRIC, KARNATAKA STATE.**

**BY ADVS.SMT.HEMALATHA
SRI.BINU GEORGE**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
KASARAGOD, PIN - 671 121.**
- 2. REVENUE DIVISIONAL OFFICER,
KASARAGOD, KANHANGAD,
KASARAGOD DISTRICT - 671 315.**
- 3. MEMBER,
RIVER MANAGEMENT SQUAD,
TALUK OFFICE, HOSDURG,
KASARAGOD DISTRICT - 671315.**
- 4. STATION HOUSE OFFICER,
CHANDERA POLICE STATION,
KASARAGOD - 671 133.**

BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 38466 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- A TRUE COPY OF REGISTRATION CERTIFICATE OF VEHICLE BEARING
 REG. NO.KA-01-C-9307.**
- P2- A TRUE COPY OF THE ORDER OF SUB DIVISIONAL MAGISTRATE,
 KASARAGOD AT KANHANGAD AS REF. 1640/12/F1 DATED 3.3.2012.**
- P3- A TRUE COPY OF THE ORDER OF THE DISTRICT COLLECTOR, KASARAGOD
 AS G2-11799/12 DATED ...1/2015.**
- P4- A TRUE COPY OF JUDGMENT DATED 31.3.2015 IN WPC NO. 9686/2015.**
- P5- A TRUE COPY OF ORDER NO.G2 -11799/2012 DATED ..8/15.**

RESPONDENT(S)' EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.38466/2015**

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Dated this the 17th Day of December, 2015

J U D G M E N T

The petitioner has approached this Court challenging Ext.P5 direction of the District Collector, Kasargode directing the petitioner to remit Rs.5,32,480/- being the value of the vehicle ordered to be confiscated under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. The petitioner had approached this Court on an earlier occasion and this Court was of the view that the petitioner had a remedy by way of an appeal before the concerned District Court. Ext.P4 is the judgment in the aforesaid writ petition.

2. If the petitioner wants to release the vehicle, necessarily, the petitioner has to deposit the entire amount. However, the petitioner is free to challenge the order as observed in the earlier

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judgment. The direction in Ext.P5, to confiscate the vehicle for non remittance of the amount stated therein, is deferred for a period of two weeks.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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