

Rafeeq Vs. State of Kerala

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Court : Kerala

Decided On : Dec-20-2012

Judge : Honourable Mr.Justice T.R.Ramachandran Nair

Appellant : Rafeeq

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR THURSDAY, THE 20TH DAY OF DECEMBER 2012 29TH AGRAHAYANA 193 WP(C).No. 30754 of 2012 (T) ----- PETITIONER: ----- RAFEEQ, AGED 4 YEARS S/O. ABDUL RAHMAN MANGATTIL HOUSE, CHEMBU.P.O. CHEMBU VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT. BY ADVS.SRI.K.C.ELDHO SRI.JIJO THOMAS SRI.SURAJ.S SRI.ANEESH JAMES RESPONDENT(S): ----- 1. STATE OF KERALA REPRESENTED BY THE CHIEF SECRETARY GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.

2. THE DISTRICT COLLECTOR, KOTTAYAM-686001.

3. THE STATION HOSUE OFFICER VAIKOM POLICE STATION, VAIKOM, KOTTAYAM-686141. BY GOVERNMENT PLEADER SMT.SAREENA GEORGE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-12-2012, ALONG WITH W.P.(C)No.30787/12 & W.P.(C)No.30862/12, THE COURT

ON THE SAME DAY DELIVERED THE FOLLOWING: APPENDIX IN W.P.(C)No.30754/12 PETITIONER'S EXHIBITS EXHIBIT P1. A TRUE COPY OF THE FIR IN CRIME NO.1099 REGISTERED AGAINST THE PETITIONER AND OTHERS. EXHIBIT P2. A TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE 3RD RESPONDENT. EXHIBIT P3. A TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE JFCM 1 VAIKOM FOR THE RELEASE OF THE VEHICLE. EXHIBIT P4. A TRUE COPY OF THE COMMON ORDER ISSUED BY THE JFCM 1 IN CRIME NO. 1009/2012 OF VAIKOM POLICE STATION. EXHIBIT P5. A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 22 11.2012(WITHOUT ANNEXURES). EXHIBIT P6. A TRUE COPY OF THE POSTAL RECEIPT EVIDENCING THE SENDING OF EXHIBIT P5. RESPONDENTS' EXHIBITS: NIL TRUE COPY P.A.TO JUDGE dsn T.R.RAMACHANDRAN NAIR, J.

----- W.P.(C)Nos.30754, 30787 & 30862 Of 2012
----- DATED THIS THE 20th DAY OF
DECEMBER, 2012 JUDGMENT These Writ Petitions have been filed by the respective petitioners seeking for a direction to the District Collector to pass appropriate orders with regard to the final adjudication proceedings. The vehicles have been seized alleging violation of the provisions under the Kerala Protection of River Banks and Regulation of Removal of Sand Act. The Judicial First Class Magistrate Court, Vaikom has passed an order as per Exhibit P4 directing interim release of the vehicles. It is pointed out that the petitioners are unable to comply with the conditions therein. The same is a common order in respect of many cases.

2. In a connected Writ Petition, this Court has already directed final adjudication to be completed within a period of six weeks from the date of production of a copy of the judgment. Accordingly, there will be a direction to the respondents to consider and pass orders on the representations of the petitioners and complete the proceedings within a period of six weeks from W.P.(C)No.30754, 30787 & 30862/12 -2- the date of production of a certified copy of this judgment. The Writ Petitions are disposed of as above. Sd/-(T.R.RAMACHANDRAN NAIR) JUDGE.

dsn

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