

EbIn Saju Vs. the District Collector

EbIn Saju Vs. the District Collector

SooperKanoon Citation : sooperkanoon.com/1136552

Court : Kerala

Decided On : Mar-28-2014

Judge : Honourable Mr.Justice P.N.Ravindran

Appellant : EbIn Saju

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN FRIDAY, THE 28TH DAY OF MARCH 2014 7TH CHAITHRA, 1936 WP(C).No. 9090 of 2014 (I) ----- PETITIONER(S): ----- EBIN SAJU, S/O.SAJU, AGED 22 YEARS KAKKATHOTTATHIL HOUSE, VALARA P.O., IRUMPUPALAM IDUKKI DISTRICT. BY ADVS.SRI.KRISHNADAS P.NAIR SRI.HARIDAS P.NAIR SMT.K.L.SREEKALA SMT.GIA MATHAI KANDATHIL SMT.G.GIGIMOL RESPONDENT(S): ----- 1. THE DISTRICT COLLECTOR, COLLECTORATE, IDUKKI - 685 602.

2. THE REVENUE DIVISIONAL OFFICER, DEVIKULAM, IDUKKI DISTRICT - 685 613.

3. THE TAHSILDAR, DEVIKULAM, IDUKKI DISTRICT - 685 613.

4. THE SUB INSPECTOR OF POLICE, ADIMALI POLICE STATION, IDUKKI DISTRICT-685 561.

5. JINSON, S/O.VALSALAN, MANTHADATHIL HOUSE, 12TH MILE IRUMPUPALAM KARA, MANNAMKANDOM VILLAGE IDUKKI DISTRICT - 685 561. BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA. THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 2803-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No. 9090 of 2014 (I) ----- APPENDIX PETITIONER(S)' EXHIBITS ----- EXT.P1: THE TRUE COPY OF THE CERTIFICATE OF REGISTRATION, BADGE, THE GOODS CARRIAGE PERMIT AND INSURANCE POLICY OF THE VEHICLE HAVING NO.KL25B/3651. EXT.P2: THE TRUE COPY OF THE FIR AND MAHAZAR PREPARED BY THE 4TH RESPONDENT IN CRIME NO.167/2014 DATED 02/02/2014. EXT.P3: TRUE COPY OF THE DRIVING LICENCE OF THE 5TH RESPONDENT. EXT.P4: THE TRUE COPY OF THE NOTICE ISSUED BY THE 2D RESPONDENT DATED 11/2/2014 ISSUED TO THE 5TH RESPONDENT. EXT.P5: THE TRUE COPY OF THE VALUATION CERTIFICATE OF THE VEHICLE. EXT.P6: TRUE COPY OF THE NOTICE ISSUED BY THE 2D RESPONDENT DATED 19/2/2014. EXT.P7: THE TRUE COPY OF THE SAND PASS ISSUED IN THE NAME OF SUKUMAR V.A. BY THE 3D RESPONDENT. EXT.P8: THE TRUE COPY OF THE LETTER ISSUED BY THE VICAR OF THE MAR IGANATHIOUS NOORONA JACOBITS SYRIAN CHRISTIAN CHURCH, VALARA. RESPONDENT(S)' EXHIBITS NIL ----- /TRUE COPY/ P.A. TO JUDGE VPV P.N.RAVINDRAN, J.

----- W.P.(C)No.9090 of 2014 -----
----- Dated this the 28th day of March, 2014

JUDGMENT

The petitioner is the owner of a motor vehicle bearing registration No.KL-25-B-3651. The said motor vehicle was seized by the fourth respondent on 2.2.2014 on the allegation that it was used to transport river sand without a valid pass. In this writ petition the petitioner prays for an order directing the Revenue Divisional Officer, Devikulam to release the vehicle to him as per the provisions contained in the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

2. A Full Bench of this Court has in Shan C.T. v. State of Kerala [2010 (3) KLT413 directed that proceedings initiated under section 23 of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 should be concluded within six weeks from the date of seizure of the vehicle. The Full Bench also directed that if for any reason it is not possible to conclude the proceedings within the said period of six weeks, interim custody of the motor vehicle shall be given to the owner on the conditions stipulated in paragraph 12 of the judgment. Later, W.P.(C)No.9090 of 2014 2 the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 was amended and the power of adjudication was conferred on the Revenue Divisional Officer who is also empowered to grant interim custody of the motor vehicles seized under the Act. In the light of the decision of the Full Bench of this Court, I am of the opinion that the second respondent should conclude the proceedings initiated against the petitioner's motor vehicle within six weeks from the date of receipt of a copy of this judgment after affording him an opportunity of being heard. I accordingly dispose of the writ petition with a direction to the Revenue Divisional Officer, Devikulam to conclude the proceedings initiated against the petitioner within six weeks from the date of receipt of a copy of this judgment after affording him an opportunity of being heard. The Revenue Divisional Officer shall in the event of the petitioner moving him for interim custody, grant interim custody of the motor vehicle having regard to the stipulations in paragraph 12 of the decision of the Full Bench of this Court in Shan C.T. v. State of Kerala [2010 (3) KLT413. Sd/- P.N.RAVINDRAN JUDGE vpv