

Aboobacker M. vs the District Collector

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SooperKanoon Citation : sooperkanoon.com/1652017

Court : Kerala

Decided On : Jul-09-2021

Judge : Honourable Mr. Justice Sathish Ninan

Appeal No. : WP(C)/13634/2021

Appellant : Aboobacker M.

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SATHISH NINAN
FRIDAY, THE 9TH DAY OF JULY 2021 / 18TH ASHADHA, 1943
PETITIONERS: 1 ABOOBACKER M., S/O MUHAMMED, AGED 52
YEARS, PUTHUPARAMBATH HOUSE, VETTATHOOR, VAZHAKKAD,
CHERUVAYUR, ERNAD, MALAPPURAM DISTRICT, PIN-673645. 2
RIYAS, S/O ABOOBACKER, AGED 46 YEARS, PUTHUPARAMBATH
HOUSE, VETTATHOOR, VAZHAKKAD, MALAPPURAM DISTRICT,
PIN-673645. 3 SHIHABUDHEEN K, S/O ABOOBACKER, AGED 44
YEARS, KUNNATHODI, VETTATHOOR, VAZHAKKAD, CHERUVAYUR,
ERNAD, MALAPPURAM DISTRICT, PIN 673645. 4 ANWAR K,
KALATHINGAL, AGED 43 YEARS, VETTATHOOR, VAZHAKKAD,

CHERUVAYUR, ERNAD, MALAPPURAM DISTRICT, PIN 673645. 5 LABEEB C.C, S/O MOHAMMED, CHERUKUNDIL, VETTUPARA, CHEEKKOD, 6 SIDHEEQUE P, S/O ALAVIKKUTTY, AGED 43 YEARS, PUTHIYATHODI, VETTATHOOR, VAZHAKKAD, MALAPPURAM DISTRICT, PIN 673645. 7 SAIFUDHEEN, S/O ABDULLA, AGED 38 YEARS, KANNANTHODI, VETTUPARA, CHEEKKOD, MALAPPURAM, PIN 673645. 8 ABDUL VAHAB, S/O MUHAMMED, AGED 36 YEARS, EDATHANAKANDI, CHEEKKOD GRAMA PANCHAYAT, NELLAR, PIN 673645. 9 ABDUL JALEEL E.K., S/O MOHAMMED, AGED 39 YEARS, EDATHANAKANDI, CHEEKKOD GRAMA PANCHAYAT, NELLAR, PIN 10 ABDULLA, S/O ALI, AGED 51 YEARS, MATTATH, EDASSERI KADAVU, CHEEKKODE, CHIKKODE, MALAPPURAM, PIN 673645. 11 SALMAN N, S/O ABDULLA N, AGED 39 YEARS, NADUKKANDI HOUSE, 12 UMMER ALI M, S/O ABDULLA M, AGED 36 YEARS, MADASSERI HOUSE, 13 HAHUL HAMEED, S/O AYISHA, AGED 35 YEARS, POOLAKKAPARAMBAN HOUSE, VETTUPARA, CHEEKKODE, MALAPPURAM PIN 673645. WP(C) NO. 13634 OF 2021 -2- 14 ABDUL RAHEEM, S/O ABDUL KAREEM, AGED 35 YEARS, CHEMBAKUTH THADATHIL HOUSE, VETTUPARA, CHEEKKOD, MALAPPURAM PIN 15 MOHAMMED ANSAR, S/O ALI, AGED 36 YEARS, RAYINKOTTUMMAL, CHEEKKODE, CHIKKODE, MALAPPURAM PIN 673645. 16 MUJEEB RAHMAN M.K, S/O PATHUMMA, AGED 38 YEARS, MALAYIL KAKKOTTIL HOUSE, VETTUPARA, CHEEKKODE, CHIKKODE, 17 MUJEEB RAHMAN, S/O ABU, AGED 38 YEARS, PARASSERI, VETTUPARA, CHEEKKODE, CHIKKODE, MALAPPURAM, PIN 673645.

BY ADV P.M.ZIRAJ RESPONDENTS: 1 THE DISTRICT COLLECTOR CIVIL STATION, COLLECTORATE, MALAPPURAM DISTRICT - 676505. 2 THE REVENUE DIVISIONAL OFFICER (RDO), THIRUR, MALAPPURAM DISTRICT, PIN 676101. 3 SUB INSPECTOR OF POLICE, VAZHAKKAD POLICE STATION, MALAPPURAM DISTRICT-673640. BY GOVT. PLEADER SRI.RAVIKRISHNAN THIS

WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

SATHISH NINAN, J.

W. P. (C) No.13634 of 2021 Dated this the 9th day of July, 2021

JUDGMENT

Eighteen country boats belonging to the petitioners were seized under the Kerala Protection of River Banks and Regulation of Removal of Sand Act(hereinafter referred to as the Act). The seizure was on 26.06.2021. However, it has not been reported to the Judicial First Class Magistrate's Court in terms of Section 23A of the Act, laments the petitioners.

2. The learned Government Pleader assures the

Court that the seizure will be caused to be reported to the concerned Judicial First Class Magistrate's Court and the Sub Divisional Magistrate in terms of the Act, before 13.07.2021. The writ petition is disposed of in the light of the above. Sd/- SATHISH NINAN JUDGE kns/- //TRUE COPY// P.S. TO JUDGE APPENDIX PETITIONER'S EXTS:- EXT.P1 TRUE COPY OF THE CERTIFICATE ISSUED BY THE VAZHAKKAD

GRAMA PANCHAYATH REGARDING REGISTRATION OF THE COUNTRY BOATS DATED 01.07.21 ISSUED BY SECRETARY, VAZHAKKAD GRAMA PANCHAYAT.

EXT.P2 TRUE COPY OF THE CERTIFICATE DATED 01.07.21 ISSUED BY SECRETARY, CHEEKODE GRAMA PANCHAYAT. EXT.P3 TRUE PHOTOGRAPHS OF SOME OF COUNTRY BOATS OF PETITIONERS IN CONNECTION WITH RESCUE OPERATION DURING FLOOD OF 2020. EXT.P4 TRUE PHOTOGRAPH OF THE EMPTY COUNTRY BOATS OF THE PETITIONERS AFTER SEIZURE. EXT.P5 TRUE COPY OF THE SEIZURE MAHASAR DATED 26.06.21 PREPARED BY THE THIRD RESPONDENT. -----

