

Basheer B a vs the Sub Divisional Magistrate , Kasargode

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Court : Kerala

Decided On : Nov-30-2021

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/21550/2021

Appellant : Basheer B a

Respondent : The Sub Divisional Magistrate , Kasargode

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
TUESDAY, THE 30TH DAY OF NOVEMBER 2021 / 9TH
AGRAHAYANA, 1943 WP(C) NO. 21550 OF 2021 PETITIONER:
BASHEER B A AGED 40 YEARS S/O. ANDHUNNI HAJI, BEDIRA
HOUSE, VIDYANGARA P.O, 671 123, KASARGODE DISTRICT BY
ADVS. P.SAMSUDIN M.ANUROOP RESPONDENTS: 1 THE SUB
DIVISIONAL MAGISTRATE , KASARGODE KASARGODE, CIVIL
STATION , KASARGODE DISTRICT, PIN 671 2 THE STATION HOUSE
OFFICER KUMBALA POLICE STATION, KUMBALA P.O 671 321
KASARGODE DISTRICT. RIYAL DEVASSY-GOVERNMENT PLEADER
THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION

ON 30.11.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of November 2021 This writ petition is filed seeking directions to the 2nd respondent to report the seizure of the vehicle of the petitioner bearing registration No.KL-14-M-7344 to the 1st respondent and to direct the 1 st respondent to complete the proceedings under Rule 27 of the Kerala Protection of River Banks and Regulation of Removal of Sand Rules.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.
3. It is submitted by the learned Government

Pleader, on instructions, that the vehicle had been taken into custody by the 2nd respondent on 01.09.2021 and that the seizure of the vehicle has been duly reported to the 1 st respondent on 02.09.2021. The mahazar and reports with regard to the seizure of the vehicle have been forwarded to the 1st respondent. In the above view of the matter, it is open to the

petitioner to approach the first respondent with an appropriate representation and seek the interim release of the vehicle, in case he wishes to do so. There will, accordingly, be a direction to the 1st respondent to consider the matter and finalize the proceedings in respect of the vehicle in terms of Section 23A of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 and the Rules made there under, at the earliest, at any rate, within a period of one month from the date of receipt of a copy of this judgment. This writ petition is ordered accordingly. Sd/- ANU SIVARAMAN JUDGE

SSK/3/12 APPENDIX PETITIONER'S EXHIBITS: TRUE COPY OF THE REGISTRATION CERTIFICATE OF Exhibit P1 THE VEHICLE KL-14-M-7344 TRUE COPY OF THE FIR IN CRIME NO. 599/2021 OF Exhibit P2 KUMBALA POLICE STATION. TRUE COPY OF THE SEIZURE MAHASAR IN CRIME NO. Exhibit P3 RESPONDENTS' EXHIBITS: NIL SSK //TRUE COPY// PA TO JUDGE

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