

Kerala High Court

Ratheesh vs The Circle Inspector Of Police on 10 December, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 35594 of 2009(T)

1. RATHEESH, S/O.ARAVINDAGHOSH,
... Petitioner

Vs

1. THE CIRCLE INSPECTOR OF POLICE,
... Respondent

2. THE DISTRICT COLLECTOR, ERNAKULAM.

For Petitioner : SRI.P.M.ZIRAJ

For Respondent : No Appearance

The Hon'ble MR. Justice P.N.RAVINDRAN

Dated : 10/12/2009

O R D E R

P.N.RAVINDRAN, J.

----- W.P.(C) Nos.35594 of 2009 - T

----- Dated 10th December, 2009 Judgment The petitioner is the registered owner of a goods vehicles bearing registration No.KL-8/AD-4426. The said vehicle was seized by the first respondent on 3.12.2009 on the allegation that it was used to transport river sand without a valid pass. A report was thereupon submitted to the District Collector, Ernakulam. The petitioner thereafter submitted Ext.P2 petition dated 4.12.2009 before the District Collector seeking interim custody of his vehicle. The grievance voiced by the petitioner is that till date orders have not been passed thereon. In this writ petition, the petitioner seeks a direction to the respondents to release the vehicle to him by way of interim custody.

2. A learned single Judge of this Court has in *Subramanian v. State of Kerala* (2009 (1) KLT 77) while upholding the constitutional validity of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001, held that the District Collector has the power to release any vehicle seized and produced before him by way of interim custody. I accordingly dispose of this writ petition with the following directions:

(i) The District Collector, Ernakulam shall, within one week from the date on which the petitioner produces a certified copy of this judgment before him, release the vehicle to the petitioner on such terms and conditions as he may deem fit to impose;

(ii) The District Collector, Ernakulam shall pass final orders in the proceedings initiated by him under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001 and the Rules framed thereunder expeditiously and, in any event, within two months from the date on which the petitioner produces a certified copy of this judgment before him after notice to and affording the petitioner a reasonable opportunity of being heard.

P.N.RAVINDRAN Judge vaa