
(2010) 09 KL CK 0397

In the High Court Of Kerala

Case No : Writ Petition (C) No. 28208 of 2010 (A)

A. Moses

APPELLANT

Vs

District Collector

RESPONDENT

Date of Decision : 13-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0397

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : K. Praveen Kumar, for the Appellant; No Appearance, for the Respondent

Judgement

Antony Dominic, J.—Petitioner submits that he has purchased ordinary sand from Goa and has brought it by trucks to Kerala. Relying on Exts.P1 to P7, petitioner seeks to substantiate the said contention as also his case that taxes as admissible have been paid in respect of the sand in question. Despite this, petitioner submits that the 3rd respondent detained two trucks while transporting the sand, on 4/9/2010. Thereupon, petitioner submitted Ext.P11 representation to the 1st respondent requesting for release of the vehicles with sand. Petitioner submits that his activities are fully legitimate and cannot be interfered with and refers to Ext.P12 judgment rendered by this Court in support of this plea. As orders were not passed on the representation, this writ petition has been filed praying for a direction to the respondents to release the truck and the sand.

2. On the other hand, the learned Government Pleader submits that they have sufficient materials to prove that the sand in question is not from outside as claimed by the petitioner. It is stated that it was for that reason that proceedings were initiated and the vehicles were detained. Admittedly, the proceedings initiated the petitioner are under the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001.

3. Having regard to the provisions of the said Act, proceedings will have to be completed by the 2nd respondent. Now that the proceedings are still pending, it is directed that on the production of a copy of this judgment, the 2nd respondent shall complete the proceedings initiated against the petitioner. This shall be done as indicated by the Full Bench of this Court in Shan C.T. v. State of Kerala 2010 (3) KHC 333. In the meanwhile, if the petitioner is desirous of getting the vehicles on interim custody, it is made clear that it will be open to the petitioner to make an application, in which event, the same will also be dealt with as indicated in the judgment referred to above.

4. Petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 2nd respondent for compliance.

Writ petition is disposed of as above.