

(2010) 07 KL CK 0205

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 21359 of 2010 (T)

Chandra Lal and Others

APPELLANT

Vs

The State of Kerala and Others

RESPONDENT

Date of Decision : 19-07-2010

Acts Referred:

Citation : (2010) 07 KL CK 0205

Hon'ble Judges : Jasti Chelameswar, C.J;P.N.Ravindran, J

Bench : Division Bench

Advocate : C. Rajendran, for the Appellant; No Appearance, for the Respondent

Judgement

P.N. Ravindran, J.—The Petitioner is the registered owner of a goods vehicle bearing Registration No. KL/24B-2706. The said vehicle was seized by the 5th Respondent on 5.5.2010 on the allegation that it was used to transport river sand without a valid pass. A report was thereupon submitted to the District Collector. The Petitioner thereafter moved the District Collector by submitting Ext.P3 application seeking release of the vehicle. This writ petition was thereafter filed seeking a direction to the Respondents to release the vehicle to the Petitioner.

2. The pleadings disclose that the Petitioner's vehicle was seized on 5.5.2010. Under the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act the District Collector has to pass orders confiscating the vehicle within seven days after giving notice to the owner of the vehicle. In the instant case, more than two months have passed after the seizure of the vehicle. In such circumstances, we are of the opinion that the District Collector should pass final orders in the matter at the earliest.

3. We accordingly dispose of the writ petition, leaving open the contentions of the Petitioner, with a direction to the District Collector, Kollam to pass final orders on the proceedings initiated by him under the Kerala Protection of River Banks and Regulation of Removal of Sand Act and the Rules framed thereunder after

notice to and affording the Petitioner an opportunity of being heard. It will be open to the Petitioner to raise all his contentions by submitting a written representation to the District Collector. Final orders in the matter shall be passed within one month from the date on which the Petitioner produces a certified copy of this judgment along with his written representation. The District Collector shall pass an order giving reasons in support of his conclusions and shall after orders are passed, communicate a copy of thereof to the Petitioner.