

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 27TH DAY OF MARCH 2013/6TH CHAITHRA 1935

WP(C).No. 19747 of 2010 (P)

PETITIONER

**K.YOOSAF, S/O.ABDUL RAHIMAN, AGED 35,
SANKDIGE, SOMOSGWAR, UCHIL
MANGALORE, NOW RESIDING AT KOLABO HOUSE, P.O.UPPALA
KASARAGOD DITRICT.**

**BY ADVS.SRI.M.RAMASWAMY PILLAI
SRI.P.M.JOSEPH**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORARE, KOZHIKODE.**
- 3. THE SUB INSPECTOR OF POLICE,
NADAPURAM POLICE STATION, NADAPURAM, KOZHIKODE-674291.**

R, BY ADV. GOVERNMENT PLEADER SRI.P.M SANEER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27-03-
2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONERS EXHIBITS

- | | |
|---------------|--|
| EXT.P1 | COPY OF CERTIFICATE OF REGISTRATION OF PETITIONERS LORRY. |
| EXT.P2 | COPY OF ORDER NO.D-6(A) 19348/10 ISSUED BY THE 2ND RESPONDENT |
| EXT.P3 | COPY OF THE PASS ISSUED BY THE DY.DIRECTOR OF MINES & GEOLOGY , MANGALORE ON 4-4-2010 |
| EXT.P4 | COPY OF PETITION DATED 11-5-2010 SUBMITTED BY the PETITIONER BEFORE THE 2ND RESPONDENT |

RESPONDENTS EXHIBITS

NIL

TRUE COPY

P.A TO JUDGE

SMM

V.CHITAMBARESH,J.
= = = = =
W.P.(C) No.19747 of 2010
= = = = =
Dated this the 27th day of March, 2013

J U D G M E N T

Ext.P2 proceedings of the second respondent imposing a fine of Rs. 1,50,000/-(Rupees one lakh fifty thousand only) in lieu of confiscation of the vehicle in terms of the Kerala Protection of River Bank and Regulation of Sand Removal Act, 2001 is impugned in this writ petition. The petitioner has got an effective alternative remedy by way of appeal to the District Court under the amended provisions of Section 23(c) of the Act aforesaid. I permit the petitioner to file an appeal within a period of one month from today in view of the fact that the writ petition has been pending on the file of this Court.

2. The appeal, if any, filed within the time stipulated above shall be disposed of by the District Court concerned within a period of six months therefrom. The entitlement of the petitioner for refund of the fine deposited would be dependant on the outcome of the appeal, if any, filed by the petitioner.

The Writ Petition (Civil) is disposed of.

V.CHITAMBARESH.
JUDGE

smm

