

(2011) 01 KL CK 0026

High Court Of Kerala

Case No: Writ Petition (C) No. 3040 of 2011 (D)

Mahin

APPELLANT

Vs

The District Collector
and The Revenue
Divisional Officer

RESPONDENT

Date of Decision: Jan. 31, 2011

Hon'ble Judges: Antony Dominic, J

Bench: Single Bench

Advocate: Syam J. Sam, for the Appellant; No Appearance, for the Respondent

Judgement

Antony Dominic, J.

Prayer sought in the writ petition is to quash Ext.P1, which is an order dated 12-11-2010 issued by the first Respondent in the purported exercise of his powers under the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. Admittedly, the Act was amended with effect from 14-06-2010, conferring power to pass orders in the nature of Ext.P1 on the Sub Divisional Magistrate. In that view, Ext.P1 is an order passed by the District Collector without jurisdiction. Therefore, I set aside Ext.P1 and direct that, on the production of a copy of this judgment, the files will have made over to the second Respondent and the second Respondent will reconsider the matter with notice to the Petitioner and pass appropriate orders in the matter. It is made clear that it will be open to the Petitioner to seek interim custody of the vehicle, in which event, the second Respondent will consider the application in the light of the law laid down in Shan C.T. v. State of Kerala 2010 (3) KHC 333.

Writ petition is disposed of as above.