



GOVERNMENT OF KERALA

No:WM1/37/2023/LSGD
Local Self Government (WM) Department
Thiruvananthapuram,
Dated:05-12-2024

CIRCULAR

Sub: LSGD - WP(C) 7844/2023 - Confiscation of vehicles seized on charges of illegal disposal of waste - Instructions - Reg.

Ref: Order dated 8.11.2024 of the Hon'ble High Court in WP(C) No. 7844 of 2023

Section 340 B of the Kerala Municipality (Amendment) Act, 2024 (6 of 2024) permits the Secretary or an Officer of the Municipality authorised in this behalf by the Secretary or a Police Officer not below the rank of a Sub Inspector to seize a vehicle for reasons set out in that provision and produce the same before the Sub Divisional Magistrate. Thereafter, the Sub Divisional Magistrate has the power to confiscate the vehicle after affording an opportunity of hearing to the owner of the vehicle and also to auction the vehicle after such confiscation. A similar provision is also added in Section 219 U of the Kerala Panchayat Raj (Amendment) Act, 2024 (5 of 2024)

The Hon'ble High Court of Kerala in WP(C) No. 7844 of 2023, observing that in some instances, Sub Divisional Magistrates have been reluctant to take action under Section 340B of the Kerala Municipality Act for want of Rules, has ordered the clarification that Section 340B itself sets out the procedure for the Sub Divisional Magistrate to follow to order confiscation of the vehicles and that the absence of rules does not preclude the Sub Divisional Magistrate from exercising the power conferred on him under the said provision.

In the above circumstances, Sub Divisional Magistrates shall accordingly exercise the power conferred on them under Section 340 B of the Kerala Municipality (Amendment) Act, 2024 (6 of 2024) and Section 219 U of the Kerala Panchayat Raj (Amendment) Act, 2024 (5

of 2024) to order confiscation of the vehicles used for carrying waste or excreta.

PREETHA K S
ADDITIONAL SECRETARY

To:

State Police Chief, Tiruvananthapuram

The Principal Director, Local Self Government Department.

The District Collector, Thiruvananthapuram / Kollam / Pathanamthitta
/ Kottayam / Idukki / Alappuzha / Ernakulam / Thrissur / Palakkad
/ Malappuram / Wayanad / Kozhikode / Kannur / Kasaragod

All District Police Chiefs (Through State Police Chief)

Secretaries of all Local Self Government Institutions (through
Principal Director, LSGD)

The I&PR (Web & New Media) Department.

The Executive Director, IKM.

Stock File / Office Copy

Forwarded / By order,

Section Officer.