

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 3138 of 2015 (N)

PETITIONER(S):

1. JOSH Y DAVIS, S/O.DEVASSY,
AGED 44 YEARS, VALOOKARAN,
MOONAMPARAMBU, AZHAKAM.P.O.,
KARUKUTTI VILLAGE, ALUVA TALUK,
ERNAKULAM DISTRICT(OWNER OF LORRY
BEARING REGISTRATION NO.KL-41-C-9387).
2. JORLY, S/O.AGUSTHY, AGED 30 YEARS,
EDATHIPARAMPAN HOUSE, MAMBRA.P.O.,
WEST KORATTI, KALLOOR THEKKUMURI VILLAGE,
CHALAKKUDI TALUK.(OWNER OF LORRY BEARING
REGISTRATION NO.KL-41-D-8887)
3. SINTO ANTONY, S/O.ANTONY, AGED 30 YEARS,
OLIYAPURAM, PERAMBRA.P.O., KODAKARA VILLAGE,
CHALAKKUDI TALUK, THRISSUR DISTRICT
(OWNER OF A JCB BEARING REGISTRATION NO.KL-40-7231).

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT:

**THE SUB INSPECTOR OF POLICE,
KORATTY POLICE STATION,
THRISSUR DISTRICT, PIN - 680 308.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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P.R. RAMACHANDRA MENON, J.

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W.P.(C)No.3138 OF 2015
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Dated this the 30th January, 2015

J U D G M E N T

The petitioners are owners of the vehicles bearing Nos.KL.41 C/9387, KL.41 D/8887 and KL.40.7231, which were seized by the respondent/Sub Inspector on 28.01.2015 on the strength of Ext.P1 Mahazar apprehending chances of commission of offence under the Kerala Minor Mineral Concession Rules. The learned Counsel for the petitioners submits that absolutely no insinuating circumstance is mentioned in Ext.P1 and that the vehicles were seized when they were empty and proceeding along the road. It is stated that the petitioners have not committed any offence, either under the Mines and Mineral (Development and Regulation) Act, 1957 or the Kerala Minor Mineral Concession Rules, 1967. Hence the challenge.

2. Heard the learned Government Pleader as well.

3. On going through Ext.P1 Mahazar, this Court is of prima facie view that no offence is made out. However it is open for the respondent to conduct further investigation, if necessary, as to whether any offence has been committed by the petitioner with the involvement of the above vehicles. For that matter,

retention of the vehicles is not necessary. Accordingly, there will be a direction to the respondent/Sub Inspector of Police to release the vehicles on execution of a '**simple bond**' and also on furnishing an **undertaking** in the form of an affidavit, for **each vehicle**, stating that the vehicle will be made available as and when the same is required during the course of investigation.

The writ petition is disposed of. The petitioners shall produce a copy of the judgment along with a copy of the writ petition before the respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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