

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WP(C).No. 12615 of 2007 (B)

PETITIONER(S) :

**K.RAMACHANDRAN NAIR, AGED 50 YEARS,
S/O. KRISHNAN NAIR, MUNDAYKAL HOUSE,
KULAKKADA EAST P.O., KOTTARAKKARA.**

BY ADV. SRI.ASOK M.CHERIAN

RESPONDENT(S):

- 1. THE TAHSILDAR,
PATHANAPURAM TALUK OFFICE, PUNALLOOR,
KOLLAM DISTRICT.**
- 2. THE VILLAGE OFFICER,
PATTAZHI VADAKKEKARA VILLAGE OFFICE, KADUVATHODE,
PATHANAPURAM, KOLLAM DISTRICT.**

BY GOVERNMENT PLEADER SRI.MANOJ.P.KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 12615 of 2007 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: A TRUE COPY OF THE LICENCE NO.46/2006-07/DOQ/MM/BC/
S2/507/2007 DATED 02.02.2007 ISSUED BY THE GEOLOGIST TO
THE PETITIONER FOR MINING CLAY.**

**EXHIBIT P2: A TRUE COPY OF THE LICENCE NO.202/2006-07/DOQ/MM/OS/S2/
991/2007 DATED 28.02.2007 ISSUED BY THE GEOLOGIST TO
THE PETITIONER FOR MINING SAND.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

W.P.(C) No. 12615 of 2007 (B)

Dated this the 22nd day of May, 2015

J U D G M E N T

The petitioner had filed the above writ petition on the ground that a 5HP diesel pump set was seized from the petitioner's property and the petitioner apprehends that the same would be sold in public auction.

2. A counter affidavit has been filed indicating that the seizure has been effected and that the pump set is sought to be sold. The counter affidavit, in fact, speaks of a seizure having been effected, on the petitioner resorting to illegal mining without a permit and also reveals an allegation of mining from Government land and the adjacent river.

3. Definitely, proceedings could be taken only under the Mines and Minerals (Development and Regulation) Act, as also the Rules framed thereunder. The respondent authority will be entitled to take appropriate proceedings under the aforesaid provision.

With the above observation, the Writ Petition would stand closed.

Sd/-
K.VINOD CHANDRAN,
JUDGE