

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 5475 of 2015 (H)

PETITIONER :

**SHARAFUDHEEN, S/O.ALI, AGED 35 YEARS,
KUNNATHU HOUSE, THIRURKAD P.O.,
ANGADIPPURAM, PERINTHALMANNA,
MALAPPURAM DISTRICT
(OWNER OF A TIPPER LORRY BEARING
REGISTRATION NO. KL- 53- D- 5294).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT :

**THE SUB INSPECTOR OF POLICE,
PERINTHALMANNA POLICE STATION,
MALAPPURAM DISTRICT, PIN -672 303**

BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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WP(C).No. 5475 of 2015 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE MAHASAR DATED 29.01.2015 PREPARED BY THE
RESPONDENT**
- P2: TRUE COPY OF THE CASH MEMORANDUM DATED 29.01.2015 ISSUED BY THE
DEPARTMENT OF MINING AND GEOLOGY AS PROVIDED UNDER THE
KERALA MINOR MINERAL CONCESSION RULES 1967.**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO.JUDGE

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P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.5475 of 2015

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Dated this the 20th day of February, 2015

JUDGMENT

The grievance of the petitioner is that lorry bearing No.KL 53-D-5294 belongs to the petitioner was wrongly seized by the respondent as per Ext.P1 Seizure Mahazar on 29.01.2015, alleging illegal transportation of granite building stones. The learned counsel for the petitioner submits that, the materials were supported by Ext.P2 pass issued by the authorities in the Department of Geology in terms of the KMMC Rules.

2. Heard the learned Government Pleader as well. The facts and figures sought to be disputed by the learned Government Pleader points out that, as per the contents of Ext.P1 mahazar, no valid pass was therein at the time of interception.

3. In view of the disputed facts, the issue can be resolved only by causing further proceedings to be taken in accordance with law. If any offence has been committed by the petitioner, it is for the respondent to file necessary complaint before the

concerned Magistrate's Court in respect of the offences involved. Necessary steps shall be taken in this regard and the vehicle shall be produced before the Magistrate having jurisdiction, at any rate, within one week from the date of receipt of a copy of the judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the concerned authorities, for further steps. With the above observations, the writ petition is disposed of.

**P.R.RAMACHANDRA MENON,
JUDGE**

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