

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 6135 of 2015 (N)

PETITIONER:

**PRADEEP K.D.,
S/O.DIVAKARAN,
AGED 38 YEARS
KAPPIL HOUSE,
VELLIKKAD,
MUNDUR P O, 678592 PIN
PALAKKAD DIST(REGISTERED OWNER OF KKL-09/V-2829)**

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENT(S)/RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE,
PALAKKAD-678001**
- 2. JUNIOR SUPERINTENDENT
TALUK OFFICE,
PALAKKAD-678001**
- 3. PALAKKAD MUNICIPALITY,
REP BY ITS SECRETARY
OFFICE OF THE PALAKKAD MUNICIPALITY,
PALAKKAD-678001**

**R1 AND R2 BY SR. GOVERNMENT PLEADER SRI.JOSEPH GEORGE
R3 BY ADV. SRI.T.C.SURESH MENON
SRI.P.S.APPU**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 6135 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1:- TRUE COPY OF REGISTRATION CERTIFICATE DTD 21/6/2007 OF THE VEHICLE
KL- 09-V-2829.**

**P2:- TRUE COPY OF THE SEIZURE MAHAZAR DTD 20/2/2015 ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER**

**P3:- TRUE COPY OF THE CERTIFICATE DTD 23/2/2015 ISSUED BY THE
CHAIRPERSON, PUBLIC WORKS STANDING COMMITTEE, PALAKKAD
MUNICIPALITY.**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

vmr

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.6135 OF 2015
.....

Dated this the 3rd day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"(i) To issue a writ of certiorari and quash Ext.P2 seizure Mahazar and its all further proceedings;

(ii) To issue a writ of mandamus directing the respondent to release the vehicle KL-09/V-2829 to petitioner forthwith; and

(iii) To issue such other relief as this Hon'ble Court may think deem fit and award cost of this Petition to the petitioner."

2. The case of the petitioner is that absolutely no offence has been committed either under the Kerala Minor Mineral Concession Rules, 1967 or under the Mines and Mineral (Development & Regulation) Act, 1957 or under the relevant rules. The material which was taken in the vehicle bearing Registration No.KL-09/V-2829 belonging to the petitioner is

'waste', pursuant to the cleaning exercise for construction of a culvert using M.L.A fund, and it was as per the instruction given by the local authority, which stands certified as per Ext.P3 dated 23.02.2015. Pursuant to the intervention made by the 2nd respondent, the material contained in the lorry was unloaded in the premises and still the vehicle is detained and hence the writ petition.

3. The learned Government Pleader appearing for the respondents Nos. 1 and 2 submits that the vehicle has already been released to the petitioner and it has been decided that no further steps need to be pursued against the petitioner or the vehicle. The above submission is recorded. No further orders are called for.

The writ petition is disposed of accordingly.

Sd/-
P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. To Judge

St/-