

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 9609 of 2015 (A)

PETITIONER :

**SHANEEB
S/O.MOIDHEEN, AGED 34 YEARS
PULLANI HOUSE, VEMBALLOOR P.O.
VEMBALLOOR VILLAGE, KODUNGALLUR TALUK
THRISSUR DISTRICT.
(OWNER OF THE LORRY BEARING REGISTRATION NO.KL-08-AD-491).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE SUB INSPECTOR OF POLICE
KODUNGALLUR POLICE STATION, THRISSUR DISTRICT
PIN-680 001.**
- 2. THE REVENUE DIVISIONAL OFFICER (RDO)
THRISSUR, THRISSUR DISTRICT, PIN-680 001.**
- 3. THE DISTRICT COLLECTOR
THRISSUR DISTRICT, PIN-680 001.**
- 4. THE DIRECTOR
MINING AND GEOLOGY, OFFICE OF THE MINING AND GEOLOGY
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM-695 001.**

R1 TO R4 BY SR. GOVT. PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 9609 of 2015 (A)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1- TRUE COPY OF THE SEIZURE MAHAZAR DATED 8.1.2015 PREPARED
 BY THE FIRST RESPONDENT.**

**EXT. P2- TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
 DATED 09.02.2015 IN WPC NO.4051 OF 2015.**

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

//TRUE COPY//

P.S. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.9609 OF 2015
.....

Dated this the 25th March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

"i) issue a writ of mandamus or any other appropriate writ, order or direction, directing the second respondent to take a sample of sand from the vehicle of petitioner in the presence of the petitioner and test the same with the fourth respondent who is an expert in the subject matter.

2) issue such other writ or orders or directions, which his Honourable court may deem fit and proper in the interest of justice and circumstances of the case."

2. The petitioner's vehicle bearing No. KL.08/AD.491 has been seized by the 1st respondent/Sub Inspector alleging transportation of river sand in violation of the provisions of the Kerala Protection of River Banks and Regulation of removal of Sand Act. According to the petitioner the sand seized from the vehicle is ordinary sand and not river sand. Despite approaching the second respondent /RDO to get the sand tested

by the 4th respondent/Geologist to find out whether the sand is river sand or ordinary sand, it is still to be acted upon. Hence this writ petition.

Heard the learned Government Pleader as well.

Considering the facts and circumstances, there will be a direction to the second respondent/RDO to take necessary steps to get the sample collected and sent to the competent authority/4th respondent for his report, within a period of 'one week'. The 4th respondent/competent authority shall send his report, on receipt of the same, within a period of 'one month.' On receipt of the report from the 4th respondent/competent authority, the second respondent/RDO shall finalise the proceedings within a period of 'one month' thereafter. The petitioner shall produce a copy of this judgment along with a copy of the writ petition before the second respondent/RDO for further steps.

The writ petition is disposed of.

P.R.RAMACHANDRA MENON
JUDGE