

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 8TH DAY OF MAY 2015/18TH VAISAKHA, 1937

WP(C).No. 14141 of 2015 (P)

PETITIONER(S) :

**NOUSHAD, AGED 32 YEARS,
S/O.BASHEER, NALUKANDATHIL, CHEROOPPA P.O.,
MAVOOR VILLAGE, KOZHIKKODE TALUK, KOZHIKKODE DISTRICT,
(OWNER OF THE LORRY BEARING REGISTRATION NO.KL-58-A-1316).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE SUB INSPECTOR OF POLICE,
PANNIANKARA POLICE STATION, KOZHIKKODE DISTRICT, PIN- 673 661.**
- 2. THE REVENUE DIVISIONAL OFFICER,
KOZHIKKODE, KOZHIKKODE DISTRICT, PIN- 673 661.**
- 3. THE DISTRICT COLLECTOR,
KOZHIKKODE DISTRICT, PIN- 673 661.**
- 4. THE DIRECTOR,
MINING AND GEOLOGY, OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM-695 001.**

BY GOVERNMENT PLEADER SRI.P.FAZIL

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 14141 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE SEIZURE MAHAZAR DATED 28.03.2015
PREPARED BY THE FIRST RESPONDENT.**

**EXHIBIT-P2: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED 09.02.2015 IN W.P.(C).NO.4051 OF 2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.14141 of 2015

Dated this the 8th day of May, 2015

JUDGMENT

The petitioner's vehicle bearing registration No.KL-58-A-1316 has been seized by the first respondent alleging transportation of river sand. According to the petitioner, the sand seized is only ordinary sand and not river sand. Immediately after the seizure of the vehicle, the petitioner approached the second respondent to get the sand tested with the 4th respondent to find out whether it is river sand or ordinary sand. In spite of repeated requests, the first and second respondents have not taken any steps to get it done.

2. Having regard to the factual situation, this Court is of the view that this writ petition can be disposed of as under:-

The second respondent shall take the sample of the sand seized and send the same to the 4th respondent within a

period of 'one week'. The 4th respondent shall send its report, based on such sample, within a period of 'three weeks'. The second respondent based on the above report shall finalise the proceedings within a period of 'two weeks' thereafter. The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the second respondent for further steps.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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