

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. 14146 of 2015 (P)

PETITIONER(S):

**SIVAPRASAD, AGED 53 YEARS,
S/O.PADMANABHAN, KARUNNANANIKARTHIL, THURAVOOR P.O.
THURAVUR VILLAGE, CHERTHALA TALUK
ALAPPUZHA DISTRICT,
(OWNER OF THE LORRY BEARING REGISTRATION NO.KL-40-A-7847).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:-:

- 1. THE SUB INSPECTOR OF POLICE
ERIKKUR POLICE STATION, KANNUR DISTRICT
PIN - 679 532.**
- 2. THE REVENUE DIVISIONAL OFFICER
THALASSERY, KANNUR DISTRICT, PIN - 679 532.**
- 3. THE DISTRICT COLLECTOR
KANNUR DISTRICT, PIN - 679 532.**
- 4. THE DIRECTOR
MINING AND GEOLOGY, OFFICE OF THE MINING AND GEOLOGY
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM - 695 001.**

BY GOVERNMENT PLEADER SMT.ROSE MICHAEL

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

PJ

WP(C).No. 14146 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. TRUE COPY OF THE REPORT DATED 28.03.2015 SUBMITTED BY THE
FIRST RESPONDENT BEFORE THE MOTOR VEHICLE INSPECTOR, RTO
OFFICE, THALIPPARAMBA.**

**EXHIBIT 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

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.14146 of 2015

Dated this the 8th day of May, 2015

JUDGMENT

The petitioner's vehicle bearing registration No.KL-40-A-7847 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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