

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

WP(C).No. 14437 of 2015 (D)

PETITIONER(S) :-

SHIHABUDHEEN, AGED 26 YEARS
S/O ABDULLA, NAYPOTTAMMAL, PANNIKODE P.O.
KODIYATHUR VILLAGE, KOZHIKODE TALUK
KOZHIKODE DISTRICT (OWNER OF THE LORRY BEARING
REGISTRATION NO.KL-57-G-4920)

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :-

1. THE SUB INSPECTOR OF POLICE, MAVOOR POLICE STATION
KOZHIKODE DISTRICT, PIN:673661.
2. THE REVENUE DIVISIONAL OFFICER (RDO)
KOZHIKODE, KOZHIKODE DISTRICT, PIN:673661.
3. THE DISTRICT COLLECTOR
KOZHIKODE DISTRICT, PIN:673585.
4. THE DIRECTOR
MINING AND GEOLOGY, OFFICE OF THE MINING AND GEOLOGY
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM-695001.

R1 TO R3 BY GOVERNMENT PLEADER SRI.MOHAMED SHAFI M.
R4 BY STANDING COUNSEL SRI.SANTHOSH MATHEW

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

jvt

WP(C).No. 14437 of 2015 (D)

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT P1: TRUE COPY OF THE CASH MEMORANDUM DATED 28.10.2014
ISSUED BY THE DISTRICT GEOLOGIST, KOZHIKODE TO THE PETITIONER.

EXHIBIT P2: TRUE COPY OF THE ORDER OF THIS HONOURABLE COURT DATED
27.3.2015 IN CRL.M.C.NO.900 OF 2015.

EXHIBIT P3: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DATED 9.2.2015 IN WPC NO.4051 OF 2015.

RESPONDENT(S) ' EXHIBITS :- NIL

//TRUE COPY//

P.A. TO JUDGE

A. MUHAMED MUSTAQUE, J.

W.P.(C) No.14437 of 2015

Dated this the 12th day of May 2015

J U D G M E N T

The petitioner's vehicle bearing registration No.KL-57-G-4920 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 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

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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**

Jvt