

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 14700 of 2015 (J)

PETITIONERS:

1. SABU, AGED 42 YEARS,
S/O. JOSEPH, KOYIKKARA, CHOVVARA P.O.,
NEDUVANNUR, CHENGAMANAD VILLAGE, ALUVA TALUK,
ERNAKULAM DISTRICT
(OWNER OF LORRY BEARING REGISTRATION NO. KL-7-AX-9051).

* 2. RAFEEL, AGED 35 YEARS (CORRECTED)
S/O. ABDU, VEETILAKATH, KOTTAPPADOM
THRITHALA, PALAKKAD DISTRICT
(OWNER OF AN EXCAVATOR JCB BEARING NO. KL-45-A-899).

NAME AND ADDRESS OF THE 2ND PETITIONER IS CORRECTED AS
SANJO,
S/O.SEBASTIAN, AGED 33 YEARS, KARUMATHI HOUSE,
CHENGAMANADU VILLAGE, ALUVA TALUK,
ERNAKULAM DISTRICT'.

IS CORRECTED AS ABOVE AS PER ORDER ORDER DATED 16.06.2015 IN
IA 8139/15.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE,
NEDUMBASSERY POLICE STATION,
ERNAKULAM DISTRICT-683571.

2. THE DISTRICT COLLECTOR
ERNAKULAM DISTRICT-682030.

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE COPY OF THE REPORT DATED 12-5-2015 SUBMITTED BY THE
FIRST RESPONDENT BEFORE THE SECOND RESPONDENT.**

**EXHIBIT P2- TRUE COPY OF THE TRANSIT PASS DATED 12-5-2015 ISSUED BY THE
DISTRICT GEOLOGIST, ERNAKULAM TO THE FIRST PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.
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Dated this the 3rd day of July, 2015

J U D G M E N T

The petitioners are before this Court challenging the seizure of the vehicles, made allegedly under the Kerala Minor Mineral Concession Rules, 2015 (for brevity KMMC Rules). This Court had directed release of the vehicles on payment of Rs.25,000/-each on the contention that the seizure was for violation of KMMC Rules. However the specific allegation raised in Ext.P1 is with respect to violation of provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 (for brevity, Act of 2008). As per the said enactment, power is conferred on the Collector to initiate confiscation proceedings and there is also a provision by which the Collector can release the vehicle on interim custody after taking 1½ times of the value of the vehicle.

2. In such circumstance, the petitioner shall produce

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the vehicle before the Sub Inspector of Police, the 2nd respondent herein, within two weeks from the date of receipt of the certified copy of this judgment. The Sub Inspector of Police shall transmit the papers to the Collector for further consideration under Act of 2008. If the vehicle is not produced within the time specified herein, then the same shall be liable for seizure. It is made clear that any interim order or final orders passed by the District Collector, shall take into account the payment of Rs.25,000/- made as per the interim order of this Court, on which the vehicles were released; on production of the receipt of such payment.

The writ petition is disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge.