

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFIQUE

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

WP(C).No. 18671 of 2012 (H)

PETITIONER:

M.HANEEFA AGED 56 YEARS
KUREEKATTIL HOUSE CHITTUR WARD PATHANAMTHITTA

BY ADV. SRI.S.ABDUL RAZZAK

RESPONDENTS:

1. THE REVENUE DIVISIONAL OFFICER, PATHANAMTHITTA
689645
2. THE TAHSILDAR
KOZHENCHERRY 689641
3. THE DISTRICT COLLECTOR
PATHANAMTHITTA 689645
4. THE GOVT. OF KERALA
REPRESENTED BY SECRETARY
REVENUE DEPARTMENHT, GOVT SECRETARIAT
THIRUVANANTHAPURAM 695001

BY SR.GOVERNMENT PLEADER SRI.S.JAMAL

THIS WRIT PETITION(CIVIL)HAVING BEEN FINALLY HEARD ON 20-02-2015,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.C.NO.18671 OF 2012

PETITIONER'S EXHIBITS

EXT.P1 PHOTOCOPY OF REGISTRATION CERTIFICATE
EXT.P2 PHOTO COPY OF SALE DEED NO 2032/1/1C DATEDE 19-07-2012
EXT.P3 PHOTOGRAPHS OF THE SITE OF SEIZURE OF KL-03 R 2558
EXT.P4 PHOTOGRAPH OF KL-03 R 2558 IN POLICE CUSTODY
EXT.P5 PHOTOCOPY OF REPRESENTATION DT 25-07-2012 TO 1ST RESPONDENT.
EXT.P6 PHOTOCOPY OF REPRESENTATION DT 25-07-2012 TO 2ND RESPONDENT.

RESPONDENTS' EXHIBITS

EXT.R2(a): A TRUE CPY OF THE SEIZURE MAHAZAR.
EXT.R2(b): A TRUE COPY OF THE REPORT OF THE DEPUTY COLLECTOR (DM) REGARDING THE ROLE OF THE PETITIONER IN ILLEGAL QUARRYING OF GOVERNMENT ROCK.
EXT.R2(c): THE COPY OF THE ENQUIRY REPORT FORWARDED TO THE 1ST RESPONDENT.
EXT.R2(d): A TRUE COPY OF THE REPORT OF SEIZURE OF THE VEHICLE ON 24.07.12 INFORMED TO THE 1ST AND 3RD RESPONDENT.

TRUE COPY PA TO JUDGE

A.M.SHAFFIQUE, J

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W.P.C.No.18671 of 2012

Dated this the 20th day of February 2015

J U D G M E N T

Petitioner has approached this Court challenging the action of the revenue authorities in seizing his vehicle, an Escavator bearing Reg.No.KL-03-R 2558. It is inter alia contended that the vehicle was being used only for levelling the property belonging to the petitioner. No attempt was made to remove red earth from the property.

2. By an interim order dated 13/08/2012, this Court permitted the vehicle to be released on executing a simple bond. The vehicle has already been released to the petitioner.

3. In the counter affidavit filed, it is inter alia stated by the 2nd respondent that the attempt of the petitioner was to remove red earth and rock from the property without getting necessary permission from the competent authority.

4. The Learned counsel for the petitioner relied upon mahazar Ext.R2(a) and contended that even according to the revenue authorities, the petitioner was only intending to level the property. This fact has been opposed by the learned Government Pleader who contends that the vehicle was used for removing red earth as well for which no permission has been obtained from the Geologist under the Kerala Minor Mineral Concession Rules, 1967.

5. Having regard to the aforesaid factual situation, I am of the view that since the vehicle has already been released to the petitioner, there is no necessity to issue any further directions in that regard. The quantity of earth removed has not been mentioned and the materials available are insufficient to come to such a conclusion. It is made clear that no attempt shall be made by the petitioner to remove red earth or any other minerals from the property without permission from the competent authority and if any irregularity is noticed, it shall be open for the competent

authorities to take appropriate action, in accordance with law.

Hence the bond executed by the petitioner shall stand released. This writ petition is disposed of as above.

(SD/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

