

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 14994 of 2015 (Y)

PETITIONER:

**M/S.FIVE STAR METALS PRIVATE LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
SRI A.G. MADHAVAN, MOOCHANKUNDU,
MUTHALAMADA, GOVINDAPURAM P.O,
PALAKKAD, PIN-678507.**

BY ADV. SRI.N.JAMES KOSHY

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
KOLLAMGODE POLICE STATION,
KOLLAMGODE, PALAKKAD.**
- 2. THE DISTRICT COLLECTOR,
COLLECTORATE, PALAKKAD.**
- 3. THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
TOWN BUS STAND COMPLEXD, PALAKKAD - 678 014.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE CONSENT TO OPERATE ORDER NO.PCB/HO/PLKD/ICO-R/12/2013 DATED ISSUED BY KERALA STATE POLLUTION CONTROL BOARD TO PETITIONER.
- EXHIBIT P2: TRUE COPY OF THE LICENCE DATED 6.6.2014 ISSUED BY THE DIRECTOR OF FACTORIES & BOILERS, KERALA TO PETITIONER.
- EXHIBIT P3: TRUE COPY OF THE NO OBJECTION CERTIFICATE NO.G.2309/2015 DATED 23.3.2015 ISSUED BY THE OFFICE OF THE ASSISTANT DIVISIONAL OFFICER, FIRE AND RESCUE SERVICES, PALAKKAD TO PETITIONER.
- EXHIBIT P4: TRUE COPY OF THE DELAER'S LICENCE NO.19/DOP/814/2015/A1/GS DATED 9.4.2015 ISSUED BY THE 3RD RESPONDENT TO PETITIONER.
- EXHIBIT P5: TRUE COPY OF THE LICENCE NO.A3/1219/13 DATED 12.6.2013 ISSUED BY SECRETARY, MUTHALAMADA GRAMA PANCHAYATH, PALAKKAD TO PETITIONER.
- EXHIBIT P6: TRUE COPY OF THE INTERIM ORDEER DATED 8.5.2015 IN WPC NO.13845/20215 OF THE HON'BLE HIGH COURT OF KERLA, ERNAKULAM.
- EXHIBIT P7: TRUE COPY OF THE MINERAL TRANSIT PASS NO. 2354 FOR TRANSPORTING GRANITE IN THE PETITIONERS TIPPER LORRY REGISTRATION NOS. KL-70-A-3095.
- EXT.P7(A): TRUE COPY OF THE MINERAL TRANSIT PASS NO. 2355 FOR TRANSPORTING GRANITE IN THE PETITIONER'S TIPPER LORRY REGISTRARION KL-70-A- 2780.
- EXT.P7(B): TRUE COPY OF THE MINERAL TRANSIT PASS NO.2356 FOR TRANSPORTING GRANITE IN THE PETITIONER'S TIPPER LORRY REGISTRATION NO.KL-49-D-8781.
- EXHIBIT P8: TRUE COPY OF CERTIFICATE OF RETGISTRATION IN RESPECT OF THE THREE VEHICLE VIDE REGISTRATION NO. KL-70-A-3095.
- EXT.P8(A): TRUE COPY OF CERTIFICATE OF REGISTRATION IN RESPECT OF THE THREE VEHICLE VIDE REGISTRAION NO. KL-70-A-2780.
- EXT. P8(B): TRUE COPY OF CERTIFICATE OF REGISTRATION IN RESPECT OF THREE VEHICLE VIDE REGISTRATION NO.KL-49-D-8781.
- EXHIBIT P9: TRUE COPY OF JUDGMENT DATED 12.2.2014 IN WPC NO.3375 /2014 OF THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM.
- EXHIBIT P10: TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE 1ST RESPONDENT DATED 9.5.2015.

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EXHIBIT P11: TRUE COPY OF THE REPORT NO.137/TAR/II/15 DATED 9.5.2015
SUBMITTED BY 1ST RESPONDENT TO THE 2ND RESPONDENT.

EXHIBIT P12: TRUE COPY OF THE REPRESENTATION DATED 18.5.2015 SUBMITTED
BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

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K. VINOD CHANDRAN, J.

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Dated this the 3rd day of June, 2015

J U D G M E N T

The petitioner is aggrieved with the detention and seizure of three vehicles bearing Reg. Nos. KL-70-A-3095, KL-70-A-2780 and KL-49-D-8781.

2. The learned Government Pleader submits that the District Collector has initiated proceedings and hearing has already taken place and the same is pending orders of the District Collector, the 2nd respondent herein. The petitioner admittedly is the owner of quarry and crusher, who has been issued with Form O(A) under Rule 14 of the Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules, 2015 which was accompanying the transport. It is submitted that on the local people waylying the vehicle, the same was seized by the 1st respondent and further proceedings is pending before the

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District Collector.

3. In such circumstance, without making any observations on merits, considering the fact that the petitioner is the owner of the crusher and quarry, the vehicle shall be released to the petitioner on executing a simple bond for the value of the vehicle, expeditiously, on production of the certified copy of this judgment. The petitioner shall not alienate the vehicles and the interim custody shall be subject to any order passed by the District Collector.

The writ petition is disposed of.

**K. VINOD CHANDRAN,
JUDGE**

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