

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 4TH DAY OF SEPTEMBER 2015/13RD BHADRA, 1937

WP(C).No. 17981 of 2015 (W)

PETITIONER(S) :

- 1. P.K.NAZEER**
AGED 39 YEARS, S/O. KUNJU MOHAMMED,
POKKAMPARA HOUSE
KUNNUKARA VILLAGE, PARAVUR TALUK
ERNAKULAM DISTRICT-683578.
 - 2. HANEEFA M.H.,**
AGED 52 YEARS, S/O. HAMSA,
MADATHI PARAMBIL HOUSE
SOUTH ADUVASSERY P.O., CHENGAMANAD
ERNAKULAM DISTRICT-683978.
 - 3. JOBY P.D.,**
AGED 44 YEARS, S/O DEVASSIKUTTY,
PALIYEKKARA HOUSE, PULAKKATTUKARA
CHITTYSSERY P.O., THRISSUR DISTRICT-680301.
- BY ADVS.SRI.C.ANILKUMAR (KALLESSERIL)**
SRI.C.Y.VINOD KUMAR

RESPONDENT(S) :

- 1. DISTRICT COLLECTOR**
PALAKKAD-678001.
- 2. THE VILLAGE OFFICER**
KOLLANGODE-II VILLAGE OFFICE
PALAKKAD DISTRICT-678 001.
- 3. THE GEOLOGIST**
KERALA MINERAL SQUAD (CENTRAL REGION)
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR-680 008.

R1 TO R3 GOVT. PLEADER SMT. C.K. SHERIN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 04-09-2015, ALONG WITH WP(C) NO. 18426/2015, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

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...2/-

WP(C).No. 17981 of 2015 (W)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1: TRUE COPY OF THE TITLE DEED NO.2342/2009 DATED 7.9.2009 OF THE SRO, KOLLAMKODE OF THE 1ST PETITIONER.
- EXHIBIT P2: TRUE COPY OF THE TITLE DEED NO.3375/2006 DATED 7.12.2006 OF THE SRO, KOLLAMKODE OF THE 2ND PETITIONER.
- EXHIBIT P3: TRUE COPY OF THE TITLE DEED NO.432/I/2013 DATED 25.10.2012 OF THE SRO, KOLLAMKODE OF THE 3RD PETITIONER.
- EXHIBIT P4: TRUE COPY OF THE LICENSE NO.10134/13 ISSUED TO THE 1ST PETITIONER FROM KOLLAMKODE GRAMA PANCHAYATH FOR THE YEAR 2014-15.
- EXHIBIT P5: TRUE COPY OF THE LICENSE NO.312/14-15 DATED 5.5.2014 ISSUED TO THE 2ND PETITIONER FROM KOLLAMKODE GRAMA PANCHAYATH FOR THE YEAR 2014-15.
- EXHIBIT P6: TRUE COPY OF THE LICENSE NO.10055/2014 DATED 16.9.2014 ISSUED TO THE 3RD PETITIONER FROM KOLLAMKODE GRAMA PANCHAYATH FOR THE YEAR 2014-15.
- EXHIBIT P7: TRUE COPY OF THE MAHAZAR DATED 13.6.2015 PREPARED BY THE 2ND RESPONDENT IN THE PRESENCE OF 1ST RESPONDENT.
- EXHIBIT P8: TRUE COPY OF THE MAHAZAR DATED 13.6.2015 PREPARED BY THE 2ND RESPONDENT IN THE PRESENCE OF 1ST RESPONDENT.
- EXHIBIT P9: TRUE COPY OF THE MAHAZAR DATED 13.6.2015 PREPARED BY THE 2ND RESPONDENT IN THE PRESENCE OF 1ST RESPONDENT.
- EXHIBIT P10: TRUE COPY OF THE MAHAZAR DATED 13.6.2015 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT P11: TRUE COPY OF THE JUDGMENT DATED 26.9.2014 IN WPC NO.24391/2014 OF THE HIGH COURT OF KERALA.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C)Nos.17981 and 18426 of 2015

Dated this the 4th day of September, 2015.

J U D G M E N T

The petitioners in both the writ petitions have approached this Court for release of the bricks and the vehicle seized by respondents 1 and 2. It appears that the bricks have been seized on account of extraction of clay from the paddy field without permit.

2. In view of the facts of the case, there shall be a direction to the respondents that the bricks shall be released to the petitioners on executing a bond. The District Collector is free to proceed in respect of the vehicle seized as per the Conservation of Paddy and Wet Land Act, 2008. It is made clear that, this order to release the bricks will not stand in the way to proceed against the petitioners under Act 28 of 2008.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge