

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 19571 of 2015 (V)

PETITIONER(S) :

**ALI T.A., AGED 43 YEARS,
S/O.ABDUL KHADER, THEKKINKATTIL, MARITHAZHAM P.O.,
KANJIRAMATTOM VILLAGE, ERNAKULAM DISTRICT,
(OWNER OF A JCB BEARING REGISTRATION NO. KL-36-B-9650
AND LORRY BEARING REGISTRATION NO. KL-36-A-34)**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE SUB INSPECTOR OF POLICE, SPIDER 14,
ALUVA POLICE STATION,
ERNAKULAM DISTRICT- 682 301.**
- 2. THE SUB INSPECTOR OF POLICE,
MULANTHURUTHY POLICE STATION,
ERNAKULAM DISTRICT- 682 101.**
- 3. THE DISTRICT GEOLOGIST,
ERNAKULAM DISTRICT- 682 030.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-07-2015, ALONG WITH W.P(C).NO.19620 OF 2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

WP(C).No. 19571 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE MAHASSAR DATED 24.06.2015 PREPARED BY
THE FIRST RESPONDENT.**
- P2: TRUE COPY OF THE QUARRYING PERMIT DATED 01.06.2015 ISSUED BY
THE THIRD RESPONDENT TO MR. JOHN, S/O.KURIAKODE.**
- P3: TRUE COPY OF THE GO.(P)NO.5/2015/ID.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

W.P(C). Nos.19571 & 19620 of 2015

Dated this the 07th day of July, 2015.

JUDGMENT

Both the writ petitions are filed with respect to seizure of 5 vehicles, including one JCB, from the same property. The vehicles were seized on the ground that, without valid permit or pass, the petitioners were intending to transport ordinary earth, which is extracted from the property.

2. The petitioners' contention is that the petitioner has a valid permit, evidenced at Ext.P2, for quarrying laterite stones from 8.91 Acres of patta land comprised in Re-survey No.59/7, Block No.21 of Kulayittikkara Village of Kanayannur Taluk. The petitioners also have 750 transit passes to transport the laterite stones. The petitioners' specific contention is that they never intended to transport ordinary earth.

3. The learned Government Pleader submits that a crime

has been registered. The vehicles will be produced before the Jurisdictional Magistrate, within two weeks from the date of production of certified copy of this judgment.

In such circumstance, the petitioners will be entitled to seek for interim custody of the said vehicles from the Jurisdictional Magistrate.

Both the writ petitions are disposed of.

Sd/-
K. VINOD CHANDRAN,
JUDGE

sp