

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

WP(C).No. 24134 of 2015 (N)

PETITIONER :

**AMEER, AGED 36 YEARS,
S/O.ASHOKAN, MAVILI, CHEVAYOOR P.O.,
CHEVAYOOR VILLAGE, KOZHIKODE TALUK,
KOZHIKODE DISTRICT. (OWNER OF LORRY
BEARING REGISTRATION NO.KL.13.P.6978)**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :

- 1. THE SUB INSPECTOR OF POLICE,
NADAKKAVU POLICE STATION, KOZHIKODE DISTRICT, 673 017.**
- 2. THE REVENUE DIVISIONAL OFFICER,
KOZHIKODE, KOZHIKODE DISTRICT, 673 017.**
- 3. THE DISTRICT COLLECTOR,
KOZHIKODE DISTRICT, 673 017.**
- 4. THE DIRECTOR,
MINING AND GEOLOGY, OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 24134 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: COPY OF THE MAHASSAR DATED 14.7.15 PREPARED BY THE IST RESPONDENT.

EXHIBIT P2: COPY OF THE MINERAL TRANSIT PASS DATED 13.7.15 ISSUED BY A SAND DEALER BY NAME SUBEESH C TO THE PETITIONER.

EXHIBIT P3: COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 24.7.15 IN WPC 22408 OF 2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

K. VINOD CHANDRAN, J.

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W.P.(C) No.24134 of 2015 - N

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Dated this the 10th day of August, 2015

J U D G M E N T

The petitioner's vehicle bearing Reg. No.KL-13-P-6978 has been seized by the 1st respondent alleging transportation of river sand. According to the petitioner, the sand seized is only ordinary sand and not river sand. Immediately after the seizure of vehicle, the petitioner approached the 2nd respondent, the R.D.O to get the sand tested with the 4th respondent, the Director, Mining and Geology, to find out whether it is river sand or ordinary sand. In spite of repeated requests, the 2nd and 3rd respondents have not taken any steps to get it done, is the grievances.

2. Heard the learned Government Pleader as well.

3. Having regard to the factual situation, this Court is of the view that this writ petition can be disposed of as under:-

The 2nd respondent shall take the sample of the sand seized and send the same to the 4th respondent within a period of one week. The 4th respondent shall send a report, based on the analysis of such sample, within a period of four weeks. The 2nd respondent, based on the above report shall finalise the proceedings after hearing, within a period of four weeks thereafter. The petitioner shall produce a copy of this judgment along with a copy of this writ petition before the 2nd respondent for further steps.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.