

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

WP(C).No. 26293 of 2015 (J)

PETITIONER :

**BIJUMON, AGED 37 YEARS,
S/O THANKAPPAN, KALATHINKAL, KADAKKARAPPILLY P.O.,
KANDAKKARAPPILLY VILLAGE, CHERTHALA TALUK,
ALAPPUZHA DISTRICT(OWNER OF THE LORRY
BEARING REGISTRATION NO. KL-17-D-2437)**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :

- 1. THE SUB INSPECTOR OF POLICE, KULATHUR POLICE STATION,
MALAPPURAM DISTRICT, PIN-676505**
- 2. THE REVENUE DIVISIONAL OFFICER,
PERINTHALMANNA, MALAPPURAM DISTRICT PIN- 679 322**
- 3. THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT, -676505**
- 4. THE DIRECTOR,
MINING AND GEOLOGY, OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM, THIRUVAANATHAPURAM**

BY GOVERNMENT PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 26293 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DT. 10/8/15
IN WPC NO. 241 34/15

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A. MUHAMED MUSTAQUE, J.

.....
W.P.(C) No. 26293 of 2015 (J)

.....
Dated this the 1st day of September, 2015

JUDGMENT

The petitioner's vehicle bearing Reg. No.KL-17-D-2437 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/-
A. MUHAMED MUSTAQUE
JUDGE

AMV/01/09/