

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 26499 of 2015 (J)

PETITIONER(S):

1. HAKEEM, S/O.ALIMUHAMMED, AGED 42 YEARS
THELIYARU, MUCHEERI P.O.,
KONGADU VILLAGE, PALAKKAD TALUK,
PALAKKAD DISTRICT (OWNER OF LORRY
BEARING REGISTRATION NO.KL-02-AD-6876)
2. SURESH BABU, S/O.LAXMANAN, AGED 35 YEARS,
THODUKATTIL HOUSE, EZHAKADU P.O.,
MUNDOOR 2 VILLAGE, PALAKKAD TALUK,
PALAKKAD DISTRICT (OWNER OF LORRY
BEARING REGISTRATION NO.KL-50-119)
3. SHAREEF P.S., S/O.SULAIMAN, AGED 24 YEARS,
PACHERI LAKSHAM VEEDU, KONGADU P.O.,
KONGADE-1 VILLAGE, PALAKKAD TALUK,
PALAKKAD DISTRICT (OWNER OF LORRY
BEARING REGISTRATION NO.KL-50-2741)
4. RADHAKRISHNAN, S/O.MANI, AGED 42 YEARS,
KALAPRAKKUNNATH HOUSE, CHERUMUNDASSERY P.O.,
AMBALAPARA -1, OTTAPPALAM, PALAKKAD
(OWNER OF LORRY BEARING REGISTRATION
NO.KL-55-G-8037)

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

1. THE INSPECTOR OF POLICE,
HEMAMBIKA NAGAR POLICE STATION,
PALAKKAD DISTRICT, PIN: 679 512.
2. THE SUB INSPECTOR OF POLICE,
HEMAMBIKA NAGAR POLICE STATION,
PALAKKAD DISTRICT, PIN: 679 512.

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 26499 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS:

**P1: TRUE COPY OF MINING PERMIT DATED 19/8/2015 TO EXTRACT AND
TRANSPORT EARTH ISSUED BY THE DISTRICT GEOLOGIST, PALAKKAD.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.26499 of 2015

Dated this the 8th day of September, 2015

JUDGMENT

The petitioners, aggrieved by seizure of the vehicles referred in the writ petition, have approached this Court.

2. The petitioners case is that they have transported red earth based on the valid permit and deposited in the compound of a Church and therefore, they have not committed any offence. It is the further case that the empty vehicles have been seized. It is also submitted that the Officials have not prepared any seizure mahazar.

3. Learned Government Pleader made available a seizure mahazar and submits that the proceedings are pending before the District Collector, Palakkad.

4. This Court is of the view that the District Collector shall verify whether the petitioners have transported earth based on a valid permit. If the petitioners transported the earth based on the valid permit and even if they deposited earth in a land not referred

in the permit, they are entitled for release of the vehicle as they have not committed any offence, unless the land of the Church deposited earth would attract the provisions of the Kerala Conservation of Paddy Land and Wet Land Act, 2008 or the Kerala Land Utilization Order. Therefore, necessary action shall be taken by the first respondent to release the vehicles within one week from the date of receipt of a copy of this judgment. If the District Collector finds that petitioners are contravened any provisions of the Kerala Minor Mineral Concession Rules, it is open for the District Collector to compound the offence on payment of necessary compounding fee determined by the District Collector.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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