

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

WP(C).No. 28021 of 2015 (C)

PETITIONER(S):

**SHAMSUDHEEN, AGED 42 YEARS,
S/O.RASAVAKKUTTY RAWTHER,
PAYYAALLOOR, PALAMEL VILLAGE,
MAVELIKKARA TALUK, ALAPPUZHA DISTRICT,
PIN - 690 501.**

**BY ADVS.SRI.M.G.SREEJITH
SRI.ASHOK SURESH**

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST, CHERTHALA,
ALAPPUZHA DISTRICT - 690 537.**
- 2. SUB INSPECTOR OF POLICE,
NOORANAD POLICE STATION,
ALAPPUZHA DISTRICT, PIN - 690 501.**
- 3. THE DISTRICT COLLECTOR,
ALAPPUZHA, PIN - 690 001.**

BY SENIOR GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 28021 of 2015 (C)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY OF THE REGISTRATION CERTIFICATE DTD.17.1.2005.

EXT.P2: TRUE COPY OF THE SALE AGREEMENT DTD.23.5.2015.

EXT.P3: TRUE COPY OF THE MAHAZAR DTD.15.9.2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.28021 of 2015

Dated this the 16th day of September, 2015.

J U D G M E N T

The Petitioner's vehicle bearing Reg.No.KL-05-S-8899 (tipper) has been seized alleging violation of the provisions of the the Kerala Minor Mineral Concession Rules, 2015. The petitioner has approached this Court seeking for a direction to the 2nd respondent to produce the vehicle before the 1st respondent.

2. Heard the learned Counsel for the petitioner and the learned Government Pleader.

3. Considering the facts and circumstances of the case, the following directions are issued:

(i) The 2nd respondent shall report the seizure before the 1st respondent within two days from the date of receipt of a copy of this judgment.

(ii) The 1st respondent shall permit the petitioner to compound the offence at the fee fixed by him after adverting to the nature of offence committed by him.

(iii) It is made clear that the direction in the judgment would be applicable only if the petitioner has contravened the Kerala Minor Mineral Concession Rules, 2015 and the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge