

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. 28135 of 2015 (N)

PETITIONER(S):

**MUHAMMED HASHIM, AGED 42,
S/O.HASHIM, PUTHUPARAMBIL HOUSE,
KANJIRAPPARA P.O., KANGAZHA,
PIN - 686 555.**

**BY ADVS.SRI.K.R.SUNIL
SRI.MANU RAMACHANDRAN**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
KOTTAYAM DISTRICT, KOTTAYAM - 686 001.**
- 2. THE GEOLOGIST, MINING AND GEOLOGY DEPARTMENT,
KOTTAYAM - 686 001.**
- 3. THE SUB INSPECTOR OF POLICE,
PALLIKATHODE POLICE STATION,
PALICKATHODU, PIN - 686 503.**

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. 28135 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: THE TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY THE
3RD RESPONDENT DTD.12.9.2015.**

**EXT.P2: THE COPY OF THE DEVELOPMENT PERMIT DTD.25.8.2015 ISSUED BY
VAZHOOR GRAMA PANCHAYAT.**

**EXT.P3: THE TRUE COPY OF THE APPLICATION FOR THE COMPOUNDING OF THE
OFFENCES DTD.14.9.2015 FILED BY THE PETITIONER.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A. MUHAMED MUSTAQUE, J.

W.P.(C) No. 28135 of 2015

Dated this the 16th day of September, 2015.

JUDGMENT

The Petitioner's vehicle bearing Reg.No.KL-33-B-8942 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 third respondent to produce the vehicle before the first respondent.

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

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

- i) The third respondent shall report the seizure before the first respondent within two days from the date of receipt of a copy of this judgment.
- ii) The first 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**

Scl.