

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 29368 of 2015 (U)

PETITIONER(S):

**MUKUNDHAN, S/O.NARAYANAN,
AGED 70 YEARS, PULIKKAL,
PARAYAKAD P.O., KUTHIYATHODU VILLAGE,
CHERTHALA TALUK, ALAPPUZHA DISTRICT,
(OWNER OF LORRY BEARING REGISTRATION
NO.KL-32-F-1837).**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
ERNAKULAM DISTRICT-682 030.**
- 2. THE SUB INSPECTOR OF POLICE,
HILL PALACE POLICE STATION,
ERNAKULAM DISTRICT-682 101.**

BY GOVT. PLEADER SRI.BIJU MEENATTOOR.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 29368 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE MAHASSAR DATED 26/09/2015 PREPARED BY
THE SECOND RESPONDENT IN CONNECTION WITH THE
SEIZURE OF THE VEHICLE OF THE PETITIONER.**
- EXT.P2 COPY OF THE MINERAL TRANSIT PASS DATED 26/09/2015
ISSUED BY AN EARTH DEALER BY NAME SARALA KUMARI
AND COUNTER SIGNED BY THE DEPARTMENT OF MINING AND
GEOLOGY.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 29368 of 2015

Dated this the 28th day of September, 2015

J U D G M E N T

Petitioner's vehicles bearing registration Nos. KL-32-F-1837 has been seized alleging violation of the Kerala Minor Mineral Concession Rules, 2015. The petitioner submits that transportation of earth is on the basis of mineral transit pass dated 26.9.2015.

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

3. This Court is of the view that the 2nd respondent shall report the seizure before the Geologist within a period of two days from the date of receipt of a copy of this judgment. Thereafter, the Geologist shall verify whether the petitioner is having a valid pass to transport the red earth. If the petitioner is having valid pass, the vehicle shall be released to the petitioner. However, If the petitioner is having no valid pass, the 1st respondent is free to proceed against the petitioner in accordance with law. If

the petitioner is willing to compound the offence, they shall be permitted to compound the offence at the rate fixed by the 1st respondent. Necessary decision shall be taken by the 1st respondent within a further period of two days from the date of reporting of the seizure by the 2nd respondent.

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/