

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. 29369 of 2015 (U)

PETITIONER :

**JEETHU
S/O. MATHEW, AGED 29 YEARS
VATTAKUZHAYIL, PAZHAYANNUR P.O.,
VADAKKETHARA VILLAGE, THALAPPILLY TALUK
THRISSUR DISTRICT
(OWNER OF LORRIES BEARING REGISTRATION NOS. KL-45-7120,
KL-48-C-8409, KL-42-E-3624 AND JCB EXCAVATOR BEARING
REGISTRATION NO. TN-25-M-9434).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY
THRISSUR DISTRICT – 680 001.**
- 2. THE SUB INSPECTOR
PAZHAYANNUR POLICE STATION
THRISSUR DISTRICT – 680 001.**

R1 & R2 BY GOVT. PLEADER SMT. C.K. SHERIN

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

Mn

...2/-

WP(C).No. 29369 of 2015 (U)

APPENDIX

PETITIONER'S EXHIBITS :

**EXT.P1 : COPY OF THE MAHASSAR DATED 26.9.2015 PREPARED BY THE
SECOND RESPONDENT.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 29369 of 2015

Dated this the 28th day of September, 2015

J U D G M E N T

The Petitioner's vehicle bearing Reg.Nos. KL-45-7120, KL-48-C-8409, KL-42-E-3624 and JCB Excavator Bearing Reg.No.TN-25-M-9434 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 above vehicles before the 1st 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 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)Needful shall be done within further period of two days from the date report of seizure by the 2nd respondent.

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

The writ petition is disposed of as above.

Sd/

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/