

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C).No. 29850 of 2015 (E)

PETITIONER :

**SYED MUHAMMED
S/O. KOCHAHAMMED, AGED 50 YEARS
PAREKKATTIL HOUSE, EDATHALA P.O.,
KIZHAKKAMBALAM VILLAGE
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT
(OWNER OF LORRY BEARING REGISTRATION
NO.KL-40-A-7073).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S) :

- 1. THE DISTRICT GEOLOGIST
ERNAKULAM DISTRICT, PIN -682 030.**
- 2. THE SUB INSPECTOR OF POLICE
ALUVA EAST POLICE STATION, ERNAKULAM DISTRICT
PIN – 682 101.**

R1 & R2 BY GOVT. PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 29850 of 2015 (E)

APPENDIX

PETITIONER'S EXHIBITS :

**EXT.P1 : COPY OF THE MAHASSAR DATED 27.9.2015 PREPARED BY THE
SECOND RESPONDENT IN CONNECTION WITH THE SEIZURE OF THE
VEHICLE OF THE PETITIONER.**

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.29850 of 2015

Dated this the 1st day of October, 2015

JUDGMENT

The petitioner's vehicle bearing Registration No.KL-40-A-7073 has been seized by the second respondent alleging transportation of minor minerals. The petitioner's case is that it is a building waste and not a minor minerals.

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

- i. The second 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 verify whether the transported item is minor minerals or building waste.
- iii. If it is building waste, the vehicle shall be released to the petitioner without any conditions.
- iv. If it is minor minerals, the first respondent is free to proceed against the petitioner in accordance with law.

- v. If the petitioner is expressed his willingness to compound the offence, the first respondent shall also permit the petitioner to compound the offence on the compounding fee fixed by him.
- vi. Needful shall be done by the second respondent within a further period of two days.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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