

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. 29862 of 2015 (G)

PETITIONER :

AMBUJAKSHAN,S/O.LAKSHMANAN, AGED 47 YEARS,
THERAMKODEVEEDU, KERALASSERY.P.O.,
KERALASSERY VILLAGE, PALAKKAD DISTRICT
(OWNER OF LORRY BEARING REGISTRATION NO.KL-9-X-8839).

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

1. THE DISTRICT GEOLOGIST,
PALAKKAD DISTRICT, PIN-686 504
2. THE SUB INSPECTOR OF POLICE,
HEMAMBIKANAGAR POLICE STATION,
PALAKKAD DISTRICT, PIN-686 504

BY GOVERNMENT 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:

sts

WP(C).NO.29862/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE MAHASSAR DATED 25/9/2015 PREPARED BY THE SECOND RESPONDENT IN CONNECTION WITH THE SEIZURE OF THE VEHICLE OF THE PETITIONER.**
- P2 COPY OF THE MINERAL TRANSIT PASS DATED 25/9/2015 ISSUED BY AN EARTH DEALER BY NAME THOMAS.K.G. AND COUNTER SIGNED BY THE DEPARTMENT OF MINING AND GEOLOGY.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.29862 of 2015

Dated this the 1st day of October, 2015

JUDGMENT

The petitioner's vehicle bearing registration No.KL-9-X-8839 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 25.9.2015.

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

This Court is of the view that the second respondent shall report the seizure before the District Geologist within a period of two days from the date of receipt of a copy of this judgment. Thereafter, the District 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 first respondent is free to proceed against the petitioner in accordance

with law. If the petitioner is willing to compound the offence, he shall be permitted to compound the offence at the rate fixed by the first respondent. Necessary decision shall be taken by the first respondent within a further period of two days from the date of reporting of the seizure by the second respondent.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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