

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 30881 of 2015 (I)

PETITIONER(S):

**SHIHABUDHEEN, S/O ABDULLA, AGED 26 YEARS,
NAYPOTTAMMAL, PANNIKODE P.O.,
KODIYATHUR VILLAGE, KOZHIKODE TALUK,
KOZHIKODE DISTRICT, (OWNER OF THE LORRY
BEARING REGISTRATION NO. KL-57-G-4920).**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
MAVOOR POLICE STATION,
KOZHIKODE DISTRICT -673 661.**
- 2. THE REVENUE DIVISIONAL OFFICER (RDO),
KOZHIKODE, KOZHIKODE DISTRICT-673 661.**
- 3. THE DISTRICT COLLECTOR,
KOZHIKODE DISTRICT-673 585.**
- 4. THE DIRECTOR,
MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM,
THIRUVANANTHAPURAM-695 001.**

BY GOVT. PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE CASH MEMORANDUM DATED 28/10/2014
ISSUED BY THE DISTRICT GEOLOGIST, KOZHIKODE.
- EXT.P2: TRUE COPY OF THE ORDER OF THIS HON'BLE COURT
DATED 27/03/2015 IN CRL.MC. NO.900/2015.
- EXT.P3: TRUE COPY OF THE JUDGMENT DATED 12/05/2015 IN
WP(C).NO.14437/2015 OF THIS HON'BLE COURT.
- EXT.P4: TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT
DATED 23/03/2015 .
- EXT.P5: TRUE COPY OF THE RECEIPT DATED 20/04/2015 ISSUED FROM THE
OFFICE OF THIRD RESPONDENT REGARDING THE RECEIPT OF
REVISION PETITION.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 30881 of 2015

Dated this the 12th October,2015

JUDGMENT

The petitioner's vehicle has been seized alleging transportation of sand without valid permit. The petitioner's vehicle bearing registration No.KL-57-G-4920 was confiscated by the order of the Sub Divisional Magistrate. The petitioner has filed a revision before the District Collector seeking sample test of mineral under transportation.

2. In view of the above facts and circumstances, this Court is of the view that the third respondent shall take sample of the seized mineral and send to the fourth respondent for analyst report, within two weeks from the date of receipt of a copy of this judgment. Thereafter, the fourth respondent shall send his report to the third respondent within three weeks from the date of receipt of sample from the third respondent. On receipt of the report

from the fourth respondent, the third respondent shall dispose of the revision petition of the petitioner in accordance with law within a further period of one month based on the report. Till a decision is taken on the revision petition filed by the petitioner, the coercive steps taken pursuant to the order of the Sub Divisional Magistrate shall be deferred.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs12/10/15