

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C).No. 31408 of 2015 (A)

PETITIONER(S):

**MUHAMMED RAFEEL, AGED 36,
S/O.MARAKKAR, PALAKKAPARAMBIL,
ALANGADU P.O., ALANGAD VILLAGE,
PARAVUR TALUK, ERNAKULAM DISTRICT
(OWNER OF A JCB BEARING REGISTRATION
NO.KL-24-1017).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST, DEPARTMENT OF
MINING AND GEOLOGY, ERNAKULAM DISTRICT - 682 030.**
- 2. THE SUB INSPECTOR OF POLICE,
ALUVA WEST POLICE STATION,
ERNAKULAM DISTRICT - 682 301.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 31408 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE FIR NO.0739/2015 DTD.19.9.2015 OF ALUVE WEST
POLICE STATION.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 31408 of 2015

Dated this the 15th October, 2015

J U D G M E N T

The Petitioner's JCB Excavator Bearing Reg.No.KL-24-1017 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 vehicle 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 weeks 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 weeks from the date report of seizure by the 2nd respondent.

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.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs16.10.15