

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 14TH DAY OF OCTOBER 2015/22ND ASWINA, 1937

WP(C).No. 31412 of 2015 (B)

PETITIONER(S):

**GITHIN GEORGE, AGED 27 YEARS,
S/O.GEORGE, EAST KALLOOR P.O.,
THODUPUZZHA, IDUKKI DISTRICT-685 584.**

**BY ADVS.SRI.RAAJESH S.SUBRAHMANIAN,
SRI.V.R.RAJESH.**

RESPONDENT(S):

- 1. SUB INSPECTOR OF POLICE,
CHENGANNUR-689 121.**
- 2. GEOLOGIST,
DEPARTMENT OF MINING & GEOLOGY,
ALAPPUZZHA-688 001.**

BY GOVT. PLEADER SRI.MANOJ KUNJACHAN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 14-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE
 BEARING NO.KL-31-D-2135.
- EXT.P2 COPY OF THE SEIZURE MAHAZAR DATED 22/09/2015 PREPARED
 BY THE 1ST RESPONDENT.
- EXT.P3 COPY OF THE ORDER DATED 18/09/2015 BEARING NO.183/2015-16/
 MM/OE/DOA/786/15 ISSUED BY THE 2ND RESPONDENT.
- EXT.P4 COPY OF THE MINERAL TRANSIT PASS BEARING NO.05
 DATED 22/09/2015 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

=====

W.P.(C).No. 31412 of 2015

=====

Dated this the 14th day of October, 2015

J U D G M E N T

The Petitioner's vehicle bearing Reg.No.KL-31-D-2135 has been seized alleging violation of the provisions of the the Kerala Minor Mineral Concession Rules, 2015. The petitioner submits that he has valid pass.

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

- i) The 1st respondent shall report the seizure before the 2nd respondent within two days from the date of receipt of a copy of this judgment.
- ii) The 2nd respondent shall verify whether the petitioner has valid pass. If the petitioner has valid pass, the vehicle shall be released to the petitioner without any condition. However if the 2nd respondent has a view that the vehicle did not have any valid pass, the 2nd respondent is free to proceed against the petitioner.

- iii) The 2nd respondent shall permit the petitioner to compound the offence, if the petitioner is willing at the fee fixed by him after adverting to the nature of offence committed by him.
- iv) In the event of release and compounding, necessary orders shall be passed by the 2nd respondent within a further period of two days.

The writ petition is disposed of as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE