

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. 31426 of 2015 (C)

PETITIONER :

**PRASANNA, AGED 56 YEARS,
W/O. PRASANNAN, KAVALAYKKALCHIRA,
NEDUMUDY, ALAPPUZHA DISTRICT- 688503**

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

RESPONDENTS :

- 1. SUB INSPECTOR OF POLICE,
CHENGANNUR - 689121**
- 2. GEOLOGIST, DEPARTMENT OF MINING &
GEOLOGY ALAPPUZHA - 688001**

BY GOVERNMENT 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:**

bp

WP(C).No. 31426 of 2015 (C)

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE REGISTRATION CERTIFICATE OF THE VEHICLE BEARING NO. KL-17-G-1354.**
- P2: COPY OF THE SEIZURE MAHAZAR DT 22/9/2015 PREPARED BY THE R1.**
- P3: COPY OF THE ORDER DT 22/9/2015 BEARING NO. 183/2015-16/MM/OE/DOA/786/15 ISSUED BY THE R2.**
- P4: COPY OF THE MINERAL TRANSIT PASS BEARING NO. 04 DT 22/9/2015 ISSUED BY THE R2.**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.31426 of 2015

Dated this the 14th day of October, 2015

JUDGMENT

The petitioner's vehicle bearing registration No.KL-17-G-1354 has been seized alleging transportation of minor minerals without pass. The petitioner submits that she has necessary pass to transport the minor minerals.

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

- i. The first respondent shall report the seizure before the second respondent within two days from the date of receipt of a copy of this judgment.
- ii. The second respondent shall verify whether at the time of transporting minor minerals the petitioner has valid pass or not.
- iii. If the petitioner at the time of transporting pass, necessarily, the vehicle shall be released to the petitioner without any conditions.

- iv. However, if the petitioner did not keep the pass while transporting minor minerals, the Geologist is free to take appropriate action in accordance with law.
- v. If the petitioner expresses her willingness to compound the offence, she shall be allowed to compound the offence at the rate of compounding fee fixed by the second respondent.
- 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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