

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

WP(C).No. 32389 of 2015 (W)

PETITIONER:

**AJITHKUMAR, S/O.RAGHAVAN PILLAI,
AGED 52 YEARS, RAJ BHAVANUM VEEDU,
KOZHUVALLUR MURI, MULAKUZHA VILLAGE,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
ALAPPUZHA, ALAPPUZHA DISTRICT - 688 001.**
- 2. THE REVENUE DIVISIONAL OFFICER,
CHENGANNUR, ALAPPUZHA DISTRICT - 689 121.**
- 3. THE SUB INSPECTOR,
CHENGANNUR POLICE STATION,
CHENGANNUR TALUK, ALAPPUZHA DISTRICT - 689 121.**
- 4. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, CHERTHALA, ALAPPUZHA,
ALAPPUZHA DISTRICT - 688 001.**

BY SENIOR GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : THE TRUE COPY OF THE REPORT AND MAHZER PRPREPARED BY THE
3RD RESPONDENT DATED 19.10.2015.
- EXT. P2 : THE TRUE COPY OF THE ORDER NO.228/2015-16/MM/OE/DOA/113/2015
DATED 14.10.2015 ISSUED BY THE 4TH RESPONDENT.
- EXT. P3 : THE TRUE COPY OF THE PASS ISSUED BY THE 4TH RESPONDENT
DATED 19.10.2015.
- EXT. P4 : THE TRUE COPY OF THE REGISTRATION CERTIFICATE.
- EXT. P5 : PHOTO COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER
BEFORE THE 4TH RESPONDENT DATED 20.10.2015.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 32389 of 2015

Dated this the 26th day of October 2015

JUDGMENT

Petitioner alleges that his vehicle bearing registration No.KL-30-C-668 has been seized, alleging violation of the Kerala Minerals (Prevention of Illegal Mining, Storage and Transportation) Rules.

2. Petitioner claims that he had valid pass at the time of transportation. Petitioner refers to Ext.P3.

3. Considering the facts and circumstances of the case, the following directions are issued;

1). The 3rd respondent is directed to report seizure to the 4th respondent, within two days from the receipt of copy of this judgment.

2). The 4th respondent shall verify whether the petitioner has any pass. If the petitioner has the pass, necessarily,

the vehicle shall be released to the petitioner without any condition.

3). If the petitioner does not possess any valid pass at the time of seizure of the vehicle, it is open to the 4th respondent to proceed against the petitioner in accordance with law.

4). In the event, the 4th respondent is of the view that the vehicle is liable to be proceeded with under the above rules for violation, it is open to the 4th respondent to permit the petitioner to compound the offence on a compounding fee determined by him. In that case, appropriate decision shall be taken within two days.

This writ petition is disposed of accordingly.

Sd/-
A.MUHAMED MUSTAQUE
JUDGE

sm/