

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 33667 of 2015 (G)

PETITIONER(S) :

1. RAMACHANDRAN
AGED 51, S/O. RAJAN
CHAKKOTTIL HOUSE, CHEEPPARA
CHELAKKARA P.O., PIN – 680 586
CHELAKKARA VILLAGE, THRISSUR DISTRICT.
2. GOVINDAN KUTTY K.A.,
AGED 45, S/O. AUCHUTHAN EZHUTHACHAN
KARANPUZHA VILLAGE, KURUMALA
CHELAKKARA P.O., PIN – 680 586
CHELAKKARA VILLAGE, THRISSUR DISTRICT.
3. BABU
AGED 40, S/O. MANI
MANJANKUNNU HOUSE, ANTHROD
CHELAKKARA P.O., PIN – 680 586
CHELAKKARA VILLAGE, THRISSUR DISTRICT.

BY ADVS.SRI.K.C.ELDHO
SRI.JIJO THOMAS
SRI.ANEESH JAMES

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,
THRISSUR DISTRICT
COLLECTORATE, THRISSUR – 680 001.
2. THE GEOLOGIST
MINING & GEOLOGY DEPARTMENT
COLLECTORATE, THRISSUR – 680 001.
3. THE SUB INSPECTOR OF POLICE
PAZHAYANNOOR POLICE STATION
PAZHAYANNUR P.O., PIN – 680 587
THRISSUR DISTRICT.
4. JENEESH JOSEPH
AGED ABOUT 40, S/O. JOSEPH
THADATHIL HOUSE, THRIKKANAYA
ELANAD P.O., PIN – 680 586.

R1 TO R3 BY GOVT. PLEADER SMT. C.K. SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1(a) : COPY OF THE REGISTRATION CERTIFICATES OF THE LORRIES OWNED BY THE 1ST PETITIONER.
- EXT.P1(b) COPY OF THE REGISTRATION CERTIFICATES OF THE LORRIES OWNED BY THE 2ND PETITIONER.
- EXT.P1(c) COPY OF THE REGISTRATION CERTIFICATES OF THE LORRIES OWNED BY THE 3RD PETITIONER.
- EXT.P2 COPY OF THE PERMIT USED BY THE 4TH RESPONDENT TO REMOVE RED EARTH.
- EXT.P3(a) COPIES OF THE TRANSPORTING PERMIT ISSUED TO THE 1ST PETITIONER.
- EXT.P3(b) COPIES OF THE TRANSPORTING PERMIT ISSUED TO THE 2ND PETITIONER.
- EXT.P3(c) COPIES OF THE TRANSPORTING PERMIT ISSUED TO THE 3RD PETITIONER.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 33667 of 2015

Dated this the 4th November, 2015

JUDGMENT

The petitioner's vehicle has been seized by the third respondent alleging illegal transportation of ordinary earth without permit. The petitioner submits that he has valid permit to transport the ordinary earth.

2. In the above circumstances, this Writ Petition is disposed of with the following directions:

The third respondent shall forward seizure mahazar to the second respondent within two weeks from the date of receipt of a copy of this judgment and the second respondent shall verify whether there existed necessary permit and O(A) Form at the time of transporting the ordinary earth. The vehicle shall be released to the petitioner without any condition. If the second respondent is of the view that the petitioner has committed offence, the second respondent is free to permit the petitioner to compound the offence at the fee fixed by him/her.

Appropriate decision shall be taken by the second respondent within a further period of two days.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs6/11/15