

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 34879 of 2015 (H)

PETITIONER(S):

- 1. NOUSHAD K.,S/O.MUHAMMAD.K., AGED 36 YEARS,
KANAKKAKKAL HOUSE, KAPPUR.P.O.,
PALAKKAD DISTRICT-679 552 (OWNER OF A LORRY
BEARING REGISTRATION NO.KL-54-A-1462)**
- 2. LINTHEESH, S/O.BHASKARAN, AGED 32 YEARS,
NILAMAKKAL HOUSE, KOZHICKARA, KAPPUR.P.O.,
PALAKKAD DISTRICT (OWNER OF A LORRY BEARING
REGISTRATION NO.KL-40-B-2672)**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE DISTRICT GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
PALAKKAD DISTRICT-679 534.**
- 2. THE VILLAGE OFFICER, KAPPUR VILLAGE,
PALAKKAD DISTRICT-679 552**

BY GOVERNMENT PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.34879/2015

APPENDIX

PETITIONER'S EXHIBITS:

**P1 COPY OF THE MAHASSAR DATED 19/10/2015 PREPARED BY THE SECOND
RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.34879 of 2015

Dated this the 18th day of November, 2015

JUDGMENT

The first petitioner is the owner of a vehicle bearing registration No.KL-54-A-1462 and the second petitioner is the owner of a vehicle bearing registration No.KL-40-B-2672 have been seized alleging transportation of minor minerals without permit. The petitioners point out that at the time of seizure, the vehicles were empty and the seizure is illegal.

Considering the facts and circumstances, following directions are issued:

- i. The second respondent is directed to report seizure before the first respondent within two days from the date of receipt of a copy of this judgment.
- ii. The first respondent shall verify at the time of seizure, the vehicles were empty.
- iii. If the vehicles were empty, the same shall be released to the petitioners on executing a simple bond. This shall be done within two weeks.

- iv. However, this will not stand in the way of the first respondent in proceeding against the petitioners in accordance with law.
- vi. However, it is open for the first respondent also to permit the petitioners to compound the offence on payment of compounding fee determined by him.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ln