

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

WP(C).No. 34892 of 2015 (J)

PETITIONER :

**BAIJU K.V., AGED 40 YEARS, S/O.VAREEDKUTTY,
KALLARACKAL HOUSE, PUTHENVELIKARA.P.O.,
PANJIPPALA, N. PARAVOOR.**

**BY ADVS.SRI.ARUN BABU
SRI.C.Y.VINOD KUMAR**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR, COLLECTORATE,
KAKKANADU, ERNAKULAM-682 030**
- 2. SUB INSPECTOR OF POLICE, PUTHEVELIKARA,
ERNAKULAM-683 594**
- 3. GEOLOGIST DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, ERNAKULAM-682 030**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).NO.34892/2015

APPENDIX

PETITIONER'S EXHIBITS:

- | | |
|-----------|---|
| P1 | COPY OF THE CERTIFICATE OF REGISTRATION OF VEHICLE BEARING NUMBER KL-42-G-6398 |
| P2 | COPY OF THE MINERAL TRANSIT PASS DATED 11/11/2015 |
| P3 | COPY OF THE SEIZURE MAHASSAR DATED 11/11/2015 PREPARED BY THE 2ND RESPONDENT. |

RESPONDENT'S EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.34892 of 2015

Dated this the 19th day of November, 2015

JUDGMENT

The petitioner's vehicle bearing registration No.KL-42 G 6398 has been seized alleging violation of the provisions of the Kerala Minor Mineral Concession Rules, 2015.

2. The petitioner submits that the vehicle has a pass at the time of seizure. Therefore, there is no contravention.

Considering the facts and circumstances, following directions are issued:

- i. The second respondent shall report seizure of the vehicle before the third respondent within two days from the date of receipt of a copy of this judgment.
- ii. The third respondent shall verify whether the petitioner has a pass.
- iii. If the vehicle has a pass, the same shall be released to the petitioner without any conditions.

iv. This shall be done within a further period of two days.

v. However, the third respondent is of the view that if the petitioner has violated relevant provisions, it is open for the third respondent to permit the petitioner 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

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