

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. 35066 of 2015 (G)

PETITIONER :

**RAJU,S/O.THANKKAPPAN ACHARI, AGED 41 YEARS,
RAJEEVE BHAVANUM, THULAMPARAMBU, MANNARASALA MURI,
HARIPPADU, KARTHIKAPALLY TALUK, ALAPUZHA 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 GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**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.35066/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE MAHZER PREPARED BY THE 3RD RESPONDENT DATED 17/11/2015**
- P2 COPY OF THE ORDER NO.262/2015-16/MM/OE/DOA/113/2015 DATED 03/11/2015 ISSUED BY THE 4TH RESPONDENT**
- P3 COPY OF THE PASS ISSUED BY THE 4TH RESPONDENT DATED 17/11/2015**
- P4 COPY OF THE REGISTRATION CERTIFICATE.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.35066 of 2015

Dated this the 19th day of November, 2015

JUDGMENT

The petitioner's vehicle bearing registration No.KL-32-C-5577 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. It is also submitted that the third respondent has prepared a report and mahazar against the petitioner vehicle and handed over to the first respondent. Ext.P1 is the *mahazar*.

Considering the facts and circumstances, following directions are issued:

- i. The third respondent shall report seizure of the vehicle before the fourth respondent within two days from the date of receipt of a copy of this judgment.
- ii. The fourth 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, if the fourth respondent finds that if the petitioner has violated the relevant provisions, it is open for the fourth 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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