

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

WP(C).No. 35461 of 2015 (G)

PETITIONER :

- 1. SHIBU BABU, AGED 32 YEARS, S/O. BABU
MAMGALTHUVEED, PARAVUR, PIN - 691301, KOLLAM DISTRICT
(OWNER OF A LORRY BEARING REGISTRATION NO. KL-02-AK-5885)**
- 2. SREEJITH, S/O. LAKSHMANAN, AGED 40 YEARS,
GOWREESAM, PARIPPALLY, KOLLAM DISTRICT-691574.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS :

- 1. THE DISTRICT GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM DISTRICT - 695001**
- 2. THE ADDITIONAL SUB INSPECTOR OF POLICE,
PALLICKAL POLICE STATION,
THIRUVANANTHAPURAM DISTRICT - 695001.**
- 3. THE SUB INSPECTOR OF POLICE,
PALLICKAL POLICE STATION,
THIRUVANANTHAPURAM DISTRICT - 695001.**

BY GOVERNMENT PLEADER SMT.C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 35461 of 2015 (G)

APPENDIX

PETITIONER'S EXHIBITS :

- P1: COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE OF FIRST PETITIONER.**
- P2: COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE OF SECOND PETITIONER.**

RESPONDENT'S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.35461 of 2015

Dated this the 23rd day of November, 2015

JUDGMENT

The first petitioner is the owner of a lorry bearing registration No.KL-02-AK-5885 and the second petitioner is the owner of a JCB Excavator bearing registration No.KL-02-AK-1353. The above vehicles have been seized alleging violation of the provisions of the Kerala Minor Mineral Concession Rules, 2015. The petitioners seek release of the vehicles.

Considering the facts and circumstances, following directions are issued:

- i. Third respondent is directed to produce seizure mahazar before the first respondent within two days from the date of receipt of a copy of this judgment.
- ii. If the first respondent is satisfied that the vehicles are involved in the contraventions of the provisions of the Kerala Minor Mineral Concession Rules,

2015 or the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015, he shall permit the petitioners to compound the offence on payment of compounding fee determined by him.

- iii. However, it is made clear that if the vehicles in question is involved in any other offences other than above, it is open for the third respondent to proceed against the petitioners in accordance with law.
- iv. Appropriate action shall be taken by the first respondent within a further period of three days.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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