

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937

WP(C).No. 36566 of 2015 (U)

PETITIONER(S) :

**VIJAYAN P., AGED 49 YEARS,
S/O.KUNHIKANNAN, PANAKEEL HOUSE, KOROM AMSOM DESOM
CHALAKODE P.O., KANNUR DISTRICT 670 307.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR
KANNUR**
- 2. THE TAHSILDAR
TALIPARAMBA TALUK, KANNUR DISTRICT.**
- 3. THE VILLAGE OFFICER
KANKOL VILLAGE, KANNUR DISTRICT 670 337.**
- 4. SUDHAKARAN P.P.
WORKING AS VILLAGE OFFICER, KANKOL VILLAGE
KANNUR DISTRICT 670 337.**
- 5. THE STATION HOUSE OFFICER
PERINGOME POLICE STATION, KANNUR DISTRICT.**
- * ADDL.R6 IMPEADED**
- 6. DISTRICT GEOLOGIST,
KANNUR.**
- * ADDL.R6 IMPEADED AS PER JUDGMENT DATED 07.12.2015**

BY SRI.BIJU MEENALLOOR, GOVERNMENT PLEADER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

AMV

: 2 :

WP(C).No. 36566 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- COPY OF THE REGISTRATION CERTIFICATE OF JCB BEARING REG. NO. KL - 59/A.1457**
- P2- PHOTOGRAPH SHOWING THE STATIONED VECHICEL, ITS DRIVER AND PRESENCE OF THE 4TH RESPONDENT.**
- P3- COPY OF THE MAHAZAR DATED 25.11.2015 ISSUED BY THE 4TH RESPONDENT.**
- P4- COPY OF HTE PETITON DATED 26.11.2015 SUBMITTED BY THEPETITONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

PA.TO JUDGE

AMV

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No.36566 of 2015

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Dated this the 7th day of December, 2015

J U D G M E N T

The District Geologist, Kannur is suo moto impleaded as the Additional 6th respondent.

2. The petitioner's JCB (Escavator) bearing Reg. No. KL-59/A. 1457 has been seized by the 3rd respondent Village Officer alleging violation of the Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 or the Kerala Minor Mineral Concession Rules, 2015. The petitioner submits that the vehicle is not involved for violation of any provisions of the above Rule.

3. This Court is of the view that the 3rd respondent shall report the seizure before the District Geologist. The District Geologist shall verify whether the petitioner's vehicle is involved in any violation of the provisions of the above Rules. If it is not involved in violation of any of the provisions of the

above Rule, the vehicle shall be released to the petitioner without any condition. However if it is found that the petitioner has violated the provisions, the Geologist is free to initiate prosecution against the petitioner. In the event the petitioner express his willingness to compound the offence, the Geologist shall also permit the petitioner to compound the offence. Appropriate decision shall be taken by the Geologist within a period of three days from the date of receipt of the copy of this judgment. The Village Officer is directed to report the seizure before the District Geologist within two days.

The writ petition is disposed of, as above.

Sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE