

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

WP(C).No. 37010 of 2015 (A)

PETITIONERS:-:

1. SHABU VARGHESE, AGED 37 YEARS,
S/O.VARGHESE, KADUKOICKAL HOUSE, PALLIPPADU MURI,
HARIPPADU, KARTHIKAPALLY TALUK, ALAPPUZHA DISTRICT.
2. SIVAN, AGED 42 YEARS,
S/O.KUNJAN, PLATHOTTATHIL HOUSE, CHIRAKKADAVU MURI,
CHIRAKKADAVE VILLAGE, KANJIRAPPALLY TALUK,
KOTTAYAM DISTRICT.

BY ADV. SRI.AJITH MURALI

RESPONDENTS:-:

1. THE DISTRICT COLLECTOR,
ALAPPUZHA, ALAPPUZHA DISTRICT - 688 001.
2. THE REVENUE DIVISIONAL OFFICER,
CHENGANNUR, ALAPPUZHA DISTRICT - 689 121.
3. THE SUB INSPECTOR,
VENMONY 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.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 37010 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. THE TRUE COPY OF THE MAHAZAR PREPARED BY THE 3RD RESPONDENT DATED 05.12.2015.**
- EXHIBIT P2. THE TRUE COPY OF THE ORDER NO.288/2015-16/MM/OE/DOA/2358/2015 DATED 24.11.2015 ISSUED BY THE 4TH RESPONDENT.**
- EXHIBIT P3. THE TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE TIPPER LORRY BEARING REGISTRATION NO.KL-29-D-8989.**
- EXHIBIT P4. THE TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE JCB BEARING REGISTRATION NO.KL-OX-1023.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C).No. 37010 of 2015

Dated this the 8th day of December, 2015

J U D G M E N T

The Petitioners' vehicles bearing Reg.No.KL-29-D-8989 and JCB bearing Reg.No.KL-0X-1023 have been seized alleging violation of the provisions of the the Kerala Minor Mineral Concession Rules, 2015. The petitioners have approached this Court seeking for a direction to the 4th respondent to release the above vehicle.

2. Heard the learned Counsel for the petitioners and the learned Government Pleader.

3. Considering the facts and circumstances, the following directions are issued:

- i) The 3rd respondent shall report the seizure before the 4th respondent within two days from the date of receipt of a copy of this judgment.
- ii) The 4th respondent shall permit the petitioners to compound the offence at the fee fixed by him after adverting to the nature of offence committed by him.

It is made clear that the direction in the judgment would be applicable only if the petitioners have contravened Kerala Minerals (Prevention of illegal mining, storage and transportation) Rules, 2015 or the Kerala Minor Mineral Concession Rules, 2015.

The writ petition is disposed of as above.

**A.MUHAMED MUSTAQUE,
JUDGE**

jm/

The original suo moto order dated 10.12.2015 in W.P.(C) No.37010/2015 is appended along with the judgment dated 8.12.2015 in W.P.(C) No.37010/2015.

Sd/

Registrar Judicial