

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

WP(C).No. 38329 of 2015 (M)

PETITIONER(S):

**SHAKEER, AGED 28 YEARS,
S/O.ABDUL BASHEE, KADOOR,
KODITHURUPPULLY P.O., PIRAYIRI VILLAGE,
PALAKKAD TALUK, PALAKKAD DISTRICT.
(OWNER OF THE LORRY BEARING REGISTRATION
NO.KL-17-D-5821).**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. THE SUB INSPECTOR OF POLICE,
PALAKKD NORTH POLICE STATION,
PALAKKAD DISTRICT, PIN - 679 513.**
- 2. THE REVENUE DIVISIONAL OFFICER,
PALAKKAD, PALAKKAD DISTRICT,
PIN - 679 513.**
- 3. THE DISTRICT COLLECTOR, PALAKKAD DISTRICT,
PIN - 679 513.**
- 4. THE DIRECTOR MINING AND GEOLOGY,
OFFICE OF THE MINING AND GEOLOGY,
KESAVADASAPURAM, PATTAM,
THIRUANANTHAPURAM - 695 001.**
- 5. THE DISTRICT GEOLOGIST,
PALAKKAD DISTRICT, PIN-679 513.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 38329 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE MAHASSAR DTD.8.7.2015 PREPARED BY THE FIRST
RESPONDENT.**

**EXT.P2: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT
DTD.3.9.2015 IIN WPC.NO.26598/2015.**

**EXT.P3: TRUE COPY OF ANALYTIC REPORT OF THE FOURTH RESPONDENT
DTD.28.10.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.38329/2015**  
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Dated this the 17th Day of November, 2015

J U D G M E N T

The petitioner's vehicle bearing registration No.KL-17-D-5821 has been seized alleging violation of the provisions of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. Based on the direction of this Court, the analysis report has been obtained. The report indicates that it is only ordinary sand. Therefore, no provisions of the act would apply.

2. In view of the willingness expressed by the petitioner to compound the offence, the second respondent shall handover the entire files to the fifth respondent within two days. Thereafter, the fifth respondent shall permit the petitioner to compound the offence under the Kerala Minor Mineral Concession Rules, 2015 and on payment of the compounding fee, determined by the fifth respondent, the vehicle shall be released to the petitioner within further period of three days.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ms