

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. 38477 of 2015 (H)

PETITIONER(S):

- 1. MOHANDAS.V, S/O.VELAN, AGED 48 YEARS,
KALLATHPARABIL HOUSE, NALLEPPILLY,
CHITTOOR.P.O. - 678553, PALAKKAD DISTRICT.
(REGISTERED OWNER OF VEHICLE KL-17-A-1867)**
- 2. VIJAYAKUMAR, S/O.ARUCHAMI, AGED 45 YEARS,
KUTTIPPALAM HOUSE, NALLEPILLY,
CHITTOOR P.O.-678553, PALAKKAD DISTRICT.
(REGISTERED OWNER OF VEHICLE KL-45-1801)**

**BY ADVS.SRI.SHOBY K.FRANCIS
SMT.MISHAL M.DASAN**

RESPONDENT(S):

- 1. VILLAGE OFFICER,
ELAPPULLY NO.II VILLAGE, ELAPPULLY P.O.,
PALAKKAD DT - 678 622.**
- 2. SUB INSPECTOR OF POLICE,
KASABA POLICE STATION,(PUDUSSERY PS),
PALAKKAD DISTRICT.**
- 3. SENIOR GEOLOGIST,
OFFICE OF THE GEOLOGIST,
PALAKKAD DISTRICT - 679 101.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

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

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APPENDIX

PETITIONERS' EXHIBITS:

- EXT. P1 : TRUE COPY OF THE REGISTRATION CERTIFICATE DATED 5.1.2004 OF
THE VEHICLE KL-17-A/1867.
- EXT. P2 : TRUE COPY OF THE REGISTRATION CERTIFICATE DATED 22.8.2006 OF
THE TRACTOR VEHICLE KL-45-1801.
- EXT. P3 : TRUE COPY OF THE SEIZURE MAHAZAR DATED 15.12.2015 ISSUED BY
THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.38477 of 2015**

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Dated this the 17th day of December, 2014

J U D G M E N T

The first petitioner is the owner of a tractor bearing registration No.KL-17-A/1867 and the second petitioner is the owner of a tractor bearing registration No.KL-45-1801. The above vehicles have been seized alleging violation of the provisions of the Kerala Minor Mineral Concession Rules, 2015. The petitioners have approached this Court seeking for a direction to the respondents to release the above vehicles.

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 1st respondent shall report the seizure before the 3rd respondent within two days from the date of receipt of a copy of this judgment.
- ii) The 3rd respondent shall permit the petitioners to

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compound the offence at the fee fixed by him after adverting to the nature of offence committed by them.

- iii. Needful shall be done by the 3rd respondent within a further period of two days from the date of reporting seizure by the 1st respondent.
- iv. 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.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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