

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WP(C).No. 38971 of 2015 (V)

PETITIONER(S) :

1. **SANTHOSH K.,
S/O. LATE KUNJIRAMAN, AGED 37 YEARS
THEKKUMVELIYIL HOUSE
PAYYANALLOR MURI, THENDANAL VILLAGE
ADOOR TALUK, PATHANAMTHITTA DISTRICT.**
2. **JAYESH KUMAR
S/O. VIJAYAKUMAR NAIR
AGED 35 YEARS, MAVELIL KADMIATTA MURI
NARANGANUM VILLAGE, KOZHENCHERRY TALUK
ALAPPUZHA DISTRICT.**

BY ADV. SRI.AJITH MURALI

RESPONDENT(S) :

1. **THE DISTRICT COLLECTOR,
ALAPPUZHA, ALAPPUZHA DISTRICT – 688 001.**
2. **THE REVENUE DIVISIONAL OFFICER
CHENGANNUR, ALAPPUZHA DISTRICT – 688 141.**
3. **THE SUB INSPECTOR
CHENGANNUR POLICE STATION
CHENGANNUR TALUK, ALAPPUZA DISTRICT – 688 141.**
4. **THE SENIOR GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY
DISTRICT OFFICE, CHERTHALA
ALAPPUZHA, ALAPPUZHA DISTRICT – 688 534.**

R1 TO R4 BY GOVT. PLEADER SMT. C.K. SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 38971 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE REPORT AND MAHZER PREPARED BY THE 3RD
RESPONDENT DATED 17.12.2015.

EXT.P2 COPY OF THE ORDER NO. 327/2015-16/MM/OE/DOA/2790/2015 DATED
4.12.2015 ISSUED BY THE 4TH RESPONDENT.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.38971 of 2015

Dated this the 21st day of December, 2015

JUDGMENT

The first petitioner is the owner of a Tipper Lorry bearing registration No.KL-26-E1995 and the second petitioner is the owner of a JCB bearing registration No.KL-25-D-952 have been seized alleging violation of the provisions of Mines and Mineral (Regulation & Development) Act, 1957. 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 third respondent shall report the seizure before the fourth respondent within two days from the date of receipt of a copy of this judgment.

- ii) The fourth respondent shall permit the petitioners to 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 fourth respondent within a further period of two days from the date of reporting seizure by the third respondent.
- iv. It is made clear that the direction in the judgment would be applicable only if the petitioners have contravened the 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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