

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 39805 of 2015 (A)

PETITIONER(S):

**PRASAD. P., S/O. PONNAPPAN,
AGED 35 YEARS, PRAKASH BHAVANAM,
KARUVATTA, KURARAPURAM VILLAGE,
KARTHIKAPALLY 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-689 121.**
- 3. THE SUB INSPECTOR,
CHENGANNUR 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 GOVT. PLEADER SMT.C.K. SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 39805 of 2015 (A)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE REPORT AND MAHAZER PREPARED BY THE
3RD RESPONDENT DATED 19/12/2015.**
- EXT.P2 COPY OF THE REGISTRATION CERTIFICATE OF THE TIPPER
LORRY BEARING REGISTRATION NO.KL-04-AA-272.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE,J

W.P.(C)No. 39805 of 2015

Dated this the 23rd day of December, 2015

JUDGMENT

The petitioner's vehicle bearing registration No. KL-04-AA-272 has been seized by the 3rd respondent alleging violation of the provisions of the Kerala Minor Mineral Concession Rules, 2015. The petitioner has approached this Court seeking for a direction to the 4th respondent-The Senior Geologist, to release the vehicle to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Government Pleader.

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

- (i) The 3rd respondent-The Sub Inspector 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 petitioner to compound the offence at the fee fixed by him after adverting to the nature of the offence committed by him.

(iii) Needful shall be done within further period of two days from the date of receipt of seizure by the 4th respondent.

iv) It is made clear that the direction in the judgment would be applicable only if the petitioner has 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