

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

TUESDAY, THE 29TH DAY OF DECEMBER 2015/8TH POUSHA, 1937

WP(C).No. 39970 of 2015 (U)

PETITIONER :

**MATHEW C.G., S/O GEORGE, AGED 46 YEARS,
CHERUVATHUR HOUSE, SAHYADRY COLONY,
CHANDRA NAGAR P.O, PALAKKAD DISTRICT,
(REGISTERED OWNER OF THE VEHICLE KL-09-Y/8809).**

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION, PALAKKAD,
PIN-678 001.**
- 2. TAHSILDAR,
PALAKKAD TALUK, TALUK OFFICE, PALAKKAD,
PIN-678 001.**
- 3. SENIOR GEOLOGIST,
OFFICE OF THE GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
PALAKKAD, PIN-678 001.**

R1 TO R3 BY GOVERNMENT PLEADER SRI.A.MOHAMMED SAVED

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 39970 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF REGISTRATION CERTIFICATE OF THE VEHICLE
KL-09-Y/8809 DATED 29.6.2010.**

**EXHIBIT P2: TRUE COPY OF THE SEIZURE MAHAZAR DATED 26.12.2015 ISSUED TO
THE PETITIONER.**

EXHIBIT P3: TRUE COPY OF JUDGMENT IN WPC NO.38477/2015 DATED 17.12.2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

ANIL. K. NARENDRA, J.

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W.P(C)No.39970 of 2015

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Dated this the 29th day of December, 2015

JUDGMENT

The petitioner is the owner of a vehicle bearing registration No.KL-09-Y/8809. The vehicle has been seized 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 respondents to release the above vehicle.

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 2nd 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 petitioner to compound the offence at the

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

iii) Needful shall be done by the 3rd respondent within a further period of two days from the date of reporting seizure by the 2nd 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.

ANIL.K.NARENDRA, JUDGE