

Sanal Kumar Vs. State of Kerala

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Court : Kerala

Decided On : Feb-28-2014

Judge : Honourable Mr.Justice P.R.Ramachandra Menon

Appellant : Sanal Kumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON FRIDAY,THE28H DAY OF FEBRUARY20149TH PHALGUNA, 1935 WP(C).No. 5790 of 2014 (W)

----- PETITIONER: ----- SANAL KUMAR, S/O.SHARADA, HOUSE NO.19/242, PUDUKKAI, NILESWARAM, KASARAGOD - 671 314. BY ADVS.SRI.BLAZE K.JOSE SRI.RAHUL SASI RESPONDENTS: ----- 1. STATE OF KERALA, REP.BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.

2. DISTRICT COLLECTOR, KASARAGOD - 671 123.

3. REVENUE DIVISIONAL OFFICER, KANHANGAD, KASARAGOD - 671 315.

4. THE STATION HOUSE OFFICER, NILESWARAM POLICE STATION, KANHANGAD P.O., KASARAGOD - 671 314.

5. DIRECTOR OF MINING AND GEOLOGY, CHEMICAL LAB, KASAVADASAPURAM, PATTOM P.O, THIRUVANANTHAPURAM - 695 004. BY SENIOR GOVERNMENT PLEADER SMT.M.J.RAJASREE THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 2802-2014, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: Msd. WP(C).No. 5790 of 2014 (W) ----- APPENDIX ----- PETITIONER(S)' EXHIBITS ----- EXHIBIT P1 : A TRUE COPY OF THE REGISTRATION CERTIFICATE OF THE SEIZED VEHICLE RESPONDENT(S)' EXHIBITS: ----- NIL //TRUE COPY// P.A.TO JUDGE. Msd. P.R. RAMACHANDRA MENON, J.

----- W.P.C. No.5790
OF 2014----- Dated this the 28th day of February, 2014.

JUDGMENT

The petitioner has approached this Court with the following prayers : " 1. Issue a writ of mandamus or any other appropriate writs, orders or directions commanding the 3rd respondent to consider the application submitted requesting the 3rd respondent to send the sample of the contraband article allegedly seized from the vehicle of the petitioner and in respect of which the 4th respondent registered Crime No.71/2014 of Nileswaram Police Station for expert analysis to the Chemical Laboratory of the Mining and Geology dept. of the Government of Kerala as expeditiously as possible and within a time framed fixed by this Hon'ble Court, so as to secure the ends of justice.

2. Direct the 3rd respondent to allow the petitioner to file an application under section 23A of the Mines and Minerals (Development and Regulation) Act 1957 to compound the offence if on examination by the Chemical Laboratory of the Mining and Geology Department of the Government of Kerala it is found that the sand involved in confiscation proceedings of W.P.C.No.5790 of 2014 2 the 3rd respondent is not river sand but only ordinary sand, so as to secure the ends of justice.

3. Grant such other reliefs as this Honourable Court may deem fit and proper in the circumstances of the case." 2. The learned counsel for the petitioner submits

that, the only relief sought for is to cause the application submitted by the petitioner before the 3rd respondent, requesting to send the sample of the contraband articles allegedly seized from the vehicle of the petitioner for expert analysis, to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

4. Considering the limited extent of relief sought for, this Court does not find it necessary to adjudicate the issue on merits. The writ petition is disposed of, directing the 3rd respondent to consider the application submitted by the petitioner and pass appropriate orders, in accordance with law, which shall be done at the earliest, at any rate within 'six weeks' from the date of W.P.C.No.5790 of 2014 3 receipt of a copy of this judgment. The petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 3rd respondent, for further steps. The Writ Petition is disposed of. P.R. RAMACHANDRA MENON, JUDGE sp

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