

**Eldhose M Alias vs the Geologist**

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**SooperKanoon Citation :** [sooperkanoon.com/1314047](https://sooperkanoon.com/1314047)

**Court :** Kerala

**Decided On :** Sep-03-2024

**Judge :** Honourable Mr. Justice Harisankar V. Menon

**Appeal No. :** WP(C)/40457/2017

**Appellant :** Eldhose M Alias

**Respondent :** The Geologist

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN  
THURSDAY, THE 11TH DAY OF APRIL 2024 / 22ND CHAITHRA, 1946  
WP(C) NO. 40457 OF 2017 PETITIONER: ELDHOSE M ALIAS AGED  
40 YEARS, S/O. ALIAS, MEPRATHUMALY HOUSE, VENGOLA P.O,  
PERUMBAVOOR. BY ADVS. G.HARIHARAN  
PRAVEEN.H.(K/1441/2002) K.S.SMITHA(K/106/2012) V.R.SANJEEV  
KUMAR(K/000741/2017) B.R.SINDU(K/632/2002.) RESPONDENTS: 1  
THE GEOLOGIST MINING & GEOLOGY DEPARTMENT, DISTRICT  
OFFICE, KOLLAM - 691 001. 2 THE REGIONAL TRANSPORT  
OFFICER KOLLAM - 691 001. 3 THE ASSISTANT MOTOR VEHICLES  
INSPECTOR KOLLAM - 691 002. SRI.RIYAL DEVASSY, GP THIS

WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11.04.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

----- W.P.(C).No.40457 of 2017  
----- Dated this the 11th day of April, 2024

## **JUDGMENT**

This writ petition is filed with following prayers:

i. Issue a writ in the nature of certiorari or such other writ, order or direction calling for the records leading to Ext.P9 and quash the same. ii. Issue a writ in the nature of mandamus or such other writ, order or direction commanding the 2 nd respondent to immediate release of the petitioner's vehicle seized and detained under Ext.P3 check report in accordance with the procedure laid down in Section 114 of the Motor Vehicles Act, 1988. iii. Issue such other writ order or direction as this Honble Court may deem fit and appropriate in the facts and circumstances of the case. (SIC)

2. When this writ petition came up for consideration on 15.12.2017, this Court passed the following order: Admit. The learned Government Pleader takes notice for the respondents.

Post after one month for the counter affidavit of the respondents. Taking note of the submission of the learned counsel for the petitioner that he wants to agitate the legal issue raised in the writ petition, it is made clear that if the petitioner chooses to compound the offence during the pendency of the writ petition, he will be free to do so, without prejudice to the legal contentions that he raised in the writ petition.

3. In the light of the above order, I think no further

action is necessary. Moreover, there is no representation for the petitioner. Probably the petitioner might have been compounded the offence. Therefore, this writ petition is closed, recording the

**order dated 15.12.2017.**

sd/- P.V.KUNHIKRISHNAN JV JUDGE APPENDIX OF WP(C) 40457/2017  
PETITIONER EXHIBITS EXHIBIT P1 A TRUE COPY OF THE CERTIFICATE OF  
REGISTRATION OF KL-40/D 556. EXHIBIT P2 A TRUE COPY OF THE MINIMAL  
TRANSIT PASS DATED 25/11/2017. EXHIBIT P3 A TRUE COPY OF THE  
CHECK REPORT DATED EXHIBIT P4 A TRUE COPY OF THE INTERIM ORDER  
DATED 21.07.2015 IN WPC NO: 21823 OF 2015. EXHIBIT P5 TRUE COPY OF  
THE NOTICE DATED RESPONDENT. EXHIBIT P6 A TRUE COPY OF THE  
ORDER DATED 2016.

EXHIBIT P7 A TRUE COPY OF THE JUDGMENT DATED EXHIBIT P8  
1ST RESPONDENT DATED 12/12/2017.

**EXHIBIT P10 TRUE COPY OF THE GOVERNMENT ORDER**

GO(MS) NO: 51/2017/ID DATED 21/6/2017.

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