

Fathima vs the Geologist

Fathima vs the Geologist

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Court : Kerala

Decided On : Apr-23-2024

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/14891/2024

Appellant : Fathima

Respondent : The Geologist

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
TUESDAY, THE 23RD DAY OF APRIL 2024 / 3RD VAISAKHA, 1946
WP(C) NO. 14531 OF 2024 PETITIONER: SUMAYYA AGED 32
YEARS, W/O. NISAR, PAPPALI HOUSE, PERUMANNA P.O.,
KUTTIPPALA, CHENAPPURAM, MALAPPURAM DISTRICT - 676501.
BY ADV K.RAKESH RESPONDENTS: 1 THE GEOLOGIST
DEPARTMENT OF MINING AND GEOLOGY, MINI CIVIL STATION,
MANJERI, MALAPPURAM DISTRICT - 676121. 2 THE REVENUE
DIVISIONAL OFFICER REVENUE DIVISIONAL OFFICE, TIRUR,
MALAPPURAM DISTRICT, PIN - 676101. 3 THE STATION HOUSE
OFFICER KALPAKANCHERI POLICE STATION, MALAPPURAM

DISTRICT - 676551. BY ADV.SMT. THUSHARA JAMES, SR. GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23.04.2024, ALONG WITH WP(C).14891/2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH
TUESDAY, THE 23RD DAY OF APRIL 2024 / 3RD VAISAKHA, 1946
WP(C) NO. 14891 OF 2024 PETITIONER: FATHIMA AGED 22 YEARS,
D/O. ABDUL MANAF, DEVAR PARAMBIL, OZHUR, OMACHAPUZHA
P.O., MALAPPURAM DISTRICT, PIN - 676320. BY ADV K.RAKESH
RESPONDENTS:

1 THE GEOLOGIST DEPARTMENT OF MINING AND GEOLOGY, MINI
CIVIL STATION, MANJERI, MALAPPURAM DISTRICT - 676121. 2 THE
REVENUE DIVISIONAL OFFICER REVENUE DIVISIONAL OFFICE,
TIRUR, MALAPPURAM DISTRICT, PIN - 676101. 3 THE STATION
HOUSE OFFICER KALPAKANCHERI POLICE STATION,
MALAPPURAM DISTRICT, PIN - 676551. BY ADV.SMT. THUSHARA
JAMES, SR. GOVERNMENT PLEADER THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR

ADMISSION ON 23.04.2024, ALONG WITH WP(C).14531/2024, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :3:

JUDGMENT

Dated this the 23rd day of April, 2024 The petitioners state that the petitioners' Excavator bearing registration No.KL-54-K-3435 and Tipper Lorry bearing registration No.KL-11/AE-5997 were seized by the 3 rd respondent alleging illegal transportation of red earth, an offence punishable as per the provisions contained in the Kerala Minerals (Prevention of Illegal Mining, Storage & Transportation) Rules, 2015.

2. It is the primary grievance of the petitioners that

the vehicles are seized without even furnishing a Seizure Mahazar to the petitioners and that the seizure is not so far reported to the competent authority, the 1st respondent. The 3rd respondent reported the seizure to the 2nd respondent, who has no authority whatsoever to deal with the matter. :4:

3. The seizure is made as early as on 13.03.2024 at

or about 5.00 am from Ittikkal-Vailathur and that since then the vehicles are exposed to sun and rain in the premises of the Kalpakanchery Police Station and further detention would deteriorate the quality of the vehicle.

4. It is therefore to report the seizure of the

petitioners' vehicles to the 1st respondent so as to enable the petitioners to compound the offence as provided under Rule 32 of the Kerala Minerals (Prevention of Illegal Mining, Storage & Transportation) Rules, 2015, this writ petition is filed, contends the Counsel for the petitioners.

5. As the vehicles seized are exposed to sun and

rain, it would be only appropriate that the 3rd respondent gives a report to the Geologist expeditiously so that the petitioners can move the Geologist to obtain interim custody of the vehicles. :5:

6. The 3rd respondent-Station House Officer is

therefore directed to submit his reports before the 1st respondent-Geologist in respect of the seizure of the Excavator and Tipper Lorry. The 3rd respondent shall give a report to the 1st respondent within a period of two weeks. On the 3rd respondent submitting such report, it will be open to the petitioner to approach the District Geologist for compounding the offence and for getting custody of the vehicle.

The writ petitions are disposed of as above. Sd/- N. NAGARESH JUDGE ams :6:
APPENDIX OF WP(C) 14531/2024 PETITIONER'S EXHIBIT Exhibit P1 A TRUE

COPY OF THE CERTIFICATE OF REGISTRATION OF THE EXCAVATOR OF THE PETITIONER :7: APPENDIX OF WP(C) 14891/2024 PETITIONER'S EXHIBIT Exhibit P1 A TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF THE TIPPER LORRY OF THE PETITIONER.

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