

Suku vs the Geologist

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Court : Kerala

Decided On : Feb-01-2022

Judge : Honourable Mrs. Justice Anu Sivaraman

Appeal No. : WP(C)/20/2022

Appellant : SUKU

Respondent : The Geologist

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN
TUESDAY, THE 1ST DAY OF FEBRUARY 2022 / 12TH MAGHA, 1943
PETITIONER :- SUKU, AGED 44 YEARS SON OF THEYYUNNI,
POOZHIKUNNUMMEL HOUSE, KALIKAVU, MALAPPURAM DISTRICT,
PIN - 676 525. BY ADV NIREESH MATHEW RESPONDENTS :- 1 THE
GEOLOGIST MINING & GEOLOGY DEPARTMENT, MINI CIVIL
STATION, MANJERI, MALAPPURAM DISTRICT, PIN - 676 121. 2 THE
STATION HOUSE OFFICER, MELATTUR POLICE STATION,
MALAPPURAM DISTRICT, PIN - 679 326. ADDL.3 THE DISTRICT
COLLECTOR CIVIL STATION, MALAPPURAM, PIN - 676 121.

ADDITIONAL 3RD RESPONDENT IS IMPLEADED AS PER ORDER

DATED 1.02.2022 IN I.A.No.1/2022. BY SRI.SYAMANTHAK, GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -: 2 :-

JUDGMENT

Dated this the 1st day of February, 2022 This writ petition is filed seeking directions to the respondents to accept the application for compounding and to compound the offence under Section 23A of the Mines and Minerals Development and Regulation Act, 1957 (for short, 'the MMDR Act') read with Rule 60A of the Kerala Minor Mineral Concession Rules, 2015 (for short, 'the KMMC Rules') after accepting the compounding fee.

2. The learned counsel for the petitioner submits that the

petitioner's tipper lorry bearing Registration No.KL-71/G-4556 had been seized by the 2nd respondent on 29.12.2021 and that the same has not been forwarded to the 1st respondent.

3. The learned Government Pleader submits, on

instructions, that there were allegations under the Land Conservancy Act as well and that the details of the vehicle and the seizure had been forwarded to the District Collector.

4. The petitioner has taken steps to implead the District

Collector, Malappuram as a party to this writ petition as well. In the above view of the matter, there will be a direction to the 2nd respondent to forward the details of the seizure, if the -: 3 :- same has not already been forwarded to the additional 3rd

respondent. The additional 3rd respondent shall examine the matter and shall pass appropriate orders on the request made by the petitioner for release of the vehicle, after hearing the petitioner as well. Orders shall be passed within a period of two weeks from the date of receipt of a copy of this judgment, after putting the

petitioner on notice and after hearing him through any appropriate means including video conferencing.

This writ petition is ordered accordingly. Sd/- ANU SIVARAMAN JUDGE
Jvt/1.2.2022 -: 4 :- APPENDIX OF WP(C) 20/2022 PETITIONER EXHIBITS
Exhibit P1 TRUE PHOTOCOPY OF THE CERTIFICATE OF REGISTRATION IN
RESPECT OF VEHICLE NO. KL-71-G- 4556. Exhibit P2 TRUE PHOTOCOPY OF
THE SALE AGREEMENT DATED 22.01.2021 EXECUTED BEFORE THE
NOTARY PUBLIC. Exhibit P3 TRUE PHOTOCOPY OF THE JUDGMENT
PASSED BY THIS HON'BLE COURT IN W.P.(C) NO. 27376/2020 DATED
11.12.2020.

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