

**(2023) 06 KL CK 0353**  
**In the High Court Of Kerala**  
**Case No : Writ Petition (C) No. 20536 Of 2023**

Sarafudheen

APPELLANT

Vs

State Of Kerala

RESPONDENT

**Date of Decision :** 23-06-2023

**Acts Referred:**

**Citation :** (2023) 06 KL CK 0353

**Hon'ble Judges :** N.Nagaresh, J

**Bench :** Single Bench

**Advocate :** Ummul Fida, C.Ijlal, Amminikkutty

**Final Decision :** Disposed Of

## Judgement

N.Nagaresh, J

1. The petitioner is before this Court aggrieved by the alleged illegal seizure of the vehicle of the petitioner by the 2nd respondent-Sub Inspector of Police.
2. The petitioner states that he is the owner of Tipper Lorry bearing registration No.KL-71J-1460. The lorry was purchased in the year 2021. The vehicle was used for transporting construction materials.
3. The petitioner states that on 19.06.2023, while the vehicle was in use for transporting construction materials, the 2nd respondent seized the vehicle alleging that the vehicle has been used in violation of the provisions of the Mines and Minerals (Development and Regulation) Act, 1957. The petitioner states that the tipper lorry was not used for any illegal activities or to violate the provisions of the MMDR Act. The detention of the lorry by the 2nd respondent would cause irreparable loss to the petitioner. The petitioner is ready and willing to compound the offence. The petitioner therefore seeks appropriate reliefs in the matter.
4. Government Pleader resisted the writ petition and denied all the allegations made by the petitioner in the writ petition. On behalf of the respondents, it is submitted that the Sub Inspector of Police, who has seized the vehicle, has

reported the matter to the Geologist. Once the matter is reported to the 3rd respondent-Geologist, it is open to the petitioner to approach the Geologist for compounding the offence.

5. I have heard the learned counsel for the petitioner and the learned Government Pleader representing respondents.

6. Going through the pleadings, I find that the petitioner has already submitted Ext.P3 application for compounding the offence, before the 3rd respondent. Therefore, the writ petition can be disposed of with appropriate directions.

The writ petition is accordingly disposed of directing the 2nd respondent to report the seizure of the vehicle to the 3rd respondent-District Geologist, if it is not already reported. The 3rd respondent- District Geologist shall take a decision in the matter as expeditiously as possible, at any rate, within a period of seven days.