

(2023) 01 KL CK 0071
In the High Court Of Kerala
Case No : Writ Petition (C) No. 656 Of 2023

Thomas Xavier

APPELLANT

Vs

Geologist District Office, Department Of Mining & Geology,
Civil Station, Kottayam Pin 686002

RESPONDENT

Date of Decision : 09-01-2023

Acts Referred:

Citation : (2023) 01 KL CK 0071

Hon'ble Judges : N.Nagaresh, J

Bench : Single Bench

Advocate : Rinny Stephen Chamaparampil, Deepa Narayanan

Final Decision : Disposed Of

Judgement

N.Nagaresh, J

1. The petitioner is owner of Excavator JCB bearing registration No.KL-33-A-0312. The said vehicle was seized by the 3rd respondent-Sub Inspector of Police on 04.01.2023 alleging violation of the provisions contained in the Kerala Minor Mineral Concession Rules, 2015 and the Mines and Minerals (Development and Regulation) Act, 1957.

2. The petitioner states that the vehicle of the petitioner has not been deployed for any illegal activity. The seizure of the vehicle is unjustified. The petitioner wants to get interim custody of the vehicle. Unless the 1st respondent refers the matter to the Jurisdictional Magistrate immediately, the petitioner will be put to untold hardship.

3. Government Pleader entered appearance and resisted the writ petition. The Government Pleader submitted that the vehicle was seized on finding that it has been deployed for violating the provisions of the Kerala Minor Mineral Concession Rules and the Mines and Minerals (Development and Regulation) Act, 1957. The 3rd respondent has referred the matter to the Geologist.

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

5. The vehicle of the petitioner is in custody of the 3rd respondent from 04.01.2023 onwards. The petitioner has a legal right to approach the competent authority for custody of the vehicle. The petitioner will be able to approach the court only if the respondents file complaints before the competent Jurisdictional Court.

In the facts and circumstances of the case, taking into consideration Ext.P3 communication, the writ petition is disposed of directing the 3rd respondent-Sub Inspector of Police to report the seizure of the vehicle to the 1st respondent-Geologist. Thereafter, the 1st respondent shall file complaint in respect of the seizure before the Jurisdictional Magistrate within a period of one week.