

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HONOURABLE MR.JUSTICE GOPINATH.P.

FRIDAY, THE 08<sup>TH</sup> DAY OF MAY, 2020/18TH VAISAKHA, 1942

W.P(C) NO.9718 OF 2020

PETITIONER:

HASHIQUE ALI P  
S/O ALI AKBAR, AGED 46 YEARS,  
MANGALAM, MANGALAM PO, KAIMALASSERI,  
MALAPPURAM- 676561.

BY ADV. SRI PC ANIL KUMAR

RESPONDENTS:

1. THE GEOLOGIST  
DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY,  
SULTANPET, PALAKKAD, KERALA 678001.
2. REVENUE MINERAL INSPECTOR,  
DISTRICT OFFICE, DEPARTMENT OF MINING AND GEOLOGY,  
SULTANPET, PALAKKAD, KERALA 678001.
3. VILLAGE OFFICER,  
THIRUVEGAPURA, KOPPAM -VALANCHERY ROAD, PALAKKAD-  
679304.

R1-3 BY SRI. GOVERNMENT PLEADER SMT.VINITHA .B

THIS WRIT PETITION HAVING COME UP FOR ADMISSION  
ON 08.05.2020, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**W.P. (C) No.9718 of 2020**

**Dated this the 8th day of May, 2020**

**JUDGMENT**

The petitioner is a registered owner of a heavy goods vehicle bearing registration No.KL-55Z 1587. He states that while the vehicle was transporting ordinary earth in terms of a valid transit pass, the vehicle was intercepted by the third respondent on the allegation that it was transporting ordinary earth in excess of the quantity permitted in terms of the transit pass. The petitioner has submitted Ext.P3 application before the first respondent seeking a release of the vehicle. He has also stated therein that he is willing to pay the necessary compounding fee though he asserts that the allegation of carriage of excess quantity of ordinary earth is incorrect. In

the circumstances, there will be a direction to the first respondent to take up Ext.P3 for consideration and dispose of the same also taking into consideration the provisions of Ext.P4 Government Order. This shall be done as expeditiously as possible, and at any rate, within four weeks from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the writ petition and this judgment before the first respondent for compliance.

**GOPINATH.P, JUDGE**

APPENDIX

PETITIONERS EXTS:

EXHIBIT - P1 A TRUE PHOTO COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE BEARING REGISTRATION NO. KL-55- Z- 1587.

EXHIBIT - P2 A TRUE PHOTO COPY OF MINERAL TRANSIT PASS NO 41 IN BOOK NO 1 DATED 19.03.2020 ISSUED BY THE 2ND RESPONDENT

EXHIBIT - P3 A TRUE PHOTO COPY OF THE APPLICATION FOR RELEASE THE VEHICLE SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

EXHIBIT - P4.A TRUE PHOTO COPY OF THE ORDER NO 51/2017 DATED 21.06.2017