

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH.P.

TUESDAY, THE 15TH DAY OF MAY, 2020/25TH VAISAKHA, 1942

W.P(C) NO. 9863 OF 2020

PETITIONER:

BIJU J THOMAS, AGED 56 YEARS, S/O. THOMAS, VADUTHALA KULLATHIL HOUSE, VAZHAMPURAM P. O, KARAKURUSSE, MANARKKAD, PALAKKAD DISTRICT. (OWNER OF EARTH MOVER BEARING REGISTRATION NO: KL. 51. E. 5436)

BY ADVS
SRI. RAHUL SASI
SMT. NEETHU PREM

RESPONDENTS:

- 1 THE DISTRICT COLLECTOR, PALAKKAD DISTRICT
2. TAHSILDAR, MANNARKKAD TALUK, PALAKKAD DISTRICT
3. VILLAGE OFFICER, KARIMBA-I, MANNARKKAD TALUK, PALAKKAD DISTRICT

BY GOVERNMENT PLEADER SRI. K.P. HARISH

THIS WRIT PETITION HAVING COME UP FOR ADMISSION ON 15.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition has been filed seeking a direction for release of certain vehicles/machinery of the petitioner, which has been seized by the Village Officer-the third respondent.

2. When this matter came up for consideration on 12.05.2020, I directed the learned Government Pleader to obtain instructions.

3. Today, the learned Government Pleader submits, on instructions, that the file has been forwarded to the first respondent - District Collector for finalising the proceedings in terms of the provisions contained in the Mines and Minerals (Development and Regulations) Act, 1967 and the Rules framed thereunder.

4. The learned counsel for the petitioner would urge for an order directing release of vehicles.

5. Learned Government Pleader submits that the proceedings have to be completed by the District Collector and he requests that a reasonable time be granted for completing the proceedings.

6. In the facts and circumstances of the case, I am of the opinion that proceedings in respect of seizure of vehicles/machinery of the petitioner should be completed by the first respondent - District Collector within a period of two weeks from the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioner. Therefore, this writ petition is disposed of directing the District Collector to finalise the proceedings relating to the seizure of the vehicles/machinery of the petitioner on the basis of report of the third respondent, within a period of two weeks from the date receipt of a copy of this judgment, after affording an opportunity of hearing to the petitioner.

**GOPINATH P
JUDGE**

shg

APPENDIX

PETITIONER'S EXHIBITS:

1. **EXHIBIT P1**:- TRUE COPY OF THE REGISTRATION CERTIFICATE
2. **EXHIBIT P2**:- TRUE COPY OF THE SEIZURE MAHAZAR DATED 24.04.2020
3. **EXHIBIT P3**:- TRUE COPY OF THE LICENCE ISSUED TO THE PETITIONER HEREIN BY THE SUPERINTENDING ENGINEER, SIRUVANI PROJECT CIRCLE
4. **EXHIBIT P4**:- TRUE COPY OF THE REPRESENTATION DATED 26.04.2020 SUBMITTED BEFORE THE 2ND RESPONDENT