

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 1678 of 2013 (H)

PETITIONER(S):

- 1. PRAJEESH, S/O. RAMAN, AGED 23 YEARS,
PULAVARKUNNU PARAMBIL HOUSE,
PATTITHARA, PALAKKAD DISTRICT.
(DRIVER OF LORRY BEARING
REGISTRATION NO. KL-52-A-3007).**
- 2. ABDUL NASAR, S/O. MUHAMMED,
KODAKKANCHERY HOUSE, V.K. KADAVU. P.O.,
THRITHALA, PATTAMBI, (OWNER OF LORRY
BEARING REGISTRATION NO. KL-52-A-3007.)**

BY ADV. SRI.P.M.ZIRAJ.

RESPONDENT(S):

**THE SUB INSPECTOR OF POLICE,
THRITHALA POLICE STATION,
PALAKKAD DISTRICT-678 613.**

BY GOVT. PLEADER SRI.RAFEEL. V.K.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

WP(C).No. 1678 of 2013 (H)

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE SEIZURE MAHAZAR DATED 02/01/2013 PREPARED
BY THE RESPONDENT.
- EXT.P2 COPY OF THE WRITTEN REQUEST SUBMITTED BY THE
FIRST PETITIONER DATED 02/01/2013 BEFORE THE RESPONDENT.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.1678 of 2013

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Dated this the 25th day of February, 2015

JUDGMENT

The first petitioner is the driver and second petitioner is the owner of a lorry bearing Reg. No. KL-52-A-3007, which was seized by the respondent on 2.1.2013 under the provisions of the Kerala Minor Mineral Concession Rules, 1967 on the allegation that the vehicle was used for unauthorized transportation of red earth. The petitioners allege that the 2nd respondent is not an authorized officer under the Mines and Minerals (Development and Regulation) Act or the Rules framed thereunder. Therefore, according to the petitioners, the seizure of the vehicle by the 2nd respondent is illegal and beyond his jurisdiction. It is with this background, the petitioners have come up before this Court.

2. This Court, by interim order dated 17.01.2013, ordered release of the vehicle to the petitioners on satisfaction of a sum of ₹25,000/- (Rupees twenty five thousand only) before the concerned respondent/Sub Inspector of Police and on executing a simple bond, undertaking to produce the vehicle as and when called for and that the vehicle would not be alienated or encumbered during

pendency of further proceedings.

3. Today, when the matter came up for hearing, the learned counsel for the petitioners submitted that on the basis of the aforesaid direction, the amount has been deposited and the petitioners got the vehicles released. It is also submitted that the petitioners are ready to get the offences compounded. Therefore, this Court is of the view that the writ petition can be disposed of permitting the petitioners to compound the offences.

If the petitioners are ready to compound the offences, they shall file a compounding petition within a period of one month from the date of receipt of a copy of this judgment. In the event of filing the compounding petition, the respondent shall appropriate the amount deposited by the petitioners towards fine, to be paid by him. After compounding the offences, the respondent shall report the fact to the Magistrate's Court concerned so that further proceedings could be dropped.

The writ petition is disposed of as above.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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