

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 461 of 2015 (G)

PETITIONER(S):

**SHAMSUDDIN,
S/O.HUSSAINAR, THEEPARAMBU HOUSE, POOTHANNUR P.O.,
MUNDOOR, PALAKKAD.**

**BY ADVS.SRI.P.K.BABU
SMT.R.ANUPAMA**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
PALAKKAD - 678 001.**
- 2. THE VILLAGE OFFICER,
MUNDOOR, PALAKKAD - 678 592.**
- 3. THE GEOLOGIST,
DISTRICT OFFICE, PALAKKAD - 678 001.**
- 4. SUB INSPECTOR OF POLICE,
KONGOD, PALAKKAD - 678 631.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 461 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE MAHAZAR DATED 27/12/2014.

**EXT.P2: TRUE COPY OF THE PERMIT DATED 16/12/2014 NO. 3090/2014 ISSUED BY
THE VILLAGE OFFICER, MUNDUR.**

**EXT.P3: TRUE COPY OF THE CERTIFICATE OF REGISTRATION NO.A 3713768
DATED 14/12/2012.**

EXT.P4: TRUE COPY OF THE PERMIT NO. PGD/9/4289/2012 DATED 22/12/2012.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. VINOD CHANDRAN, J.
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Dated this the 3rd day of July, 2015

J U D G M E N T

The petitioner is aggrieved insofar as the Swaraj Mazda Lorry bearing registration No. KL-11/AA-6003 was seized by the 4th respondent. The petitioner's vehicle has been released on the basis of an interim order passed by this Court on 07.01.2015, on payment of Rs.25,000/-. The petitioner contends that the petitioner would not seek for compounding and is ready to face prosecution.

2. In such circumstance, the petitioner shall surrender the vehicle before the 4th respondent within a period of two weeks from today and the 4th respondent shall produce the same before the Jurisdictional Magistrate, within two weeks thereafter. The petitioner is entitled to move an application before the Jurisdictional Magistrate for interim custody; in which event, the

petitioner shall also produce the receipt of payment of Rs.25,000/- made as per the interim order and the Magistrate on imposing any condition shall take into account the said deposit and deduct the same from the condition imposed by the Magistrate. The condition to be imposed is left to the discretion of the Jurisdictional Magistrate.

3. The petitioner if applying for compounding shall be permitted to do so only on payment of Rs.50,000/- (Rupees fifty thousand only) as also double the amount of royalty and the price of the mineral illegally transported as determined by the Geologist on an assessment of the maximum quantity that could be transported in the goods vehicle which had been seized. The very same direction in W.P.(C) No.14605/2015 and connected cases, shall apply herein also. The 3rd respondent shall determine the said amount and deduct the amounts paid by virtue of the interim order on production of the receipt of such payment. On payment of the aforesaid sums, offence shall be compounded.

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The compounding made shall be marked in the registration certificate of the vehicle and communicated to the Motor Vehicle Department.

4. If the petitioner does not apply for compounding or produce the vehicle, as directed herein, then the vehicle bearing registration No. KL-11/AA-6003 shall be liable for seizure.

Writ petition would stand dismissed with the above directions.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.