

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C). No.10821 of 2012 (C)

PETITIONER(S):

**KHILAR C.P., AGED 25 YEARS,
S/O. ALIKUTTY HAJI, CHAKKUNGAPARAMBIL HOUSE,
TRIPPANGOD P.O., KUTTAMAKKA,
(REGISTERED OWNER OF KL-55-J-3415 TIPPER)**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S):

**1. THE ADDL. TAHASILDAR,
TIRUR.**

2. THE S.I OF POLICE, KALPAKANCHERRY.

R1 & R2 BY GOVERNMENT PLEADER SRI. NOUSHAD THOTTATHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C). No.10821 of 2012 (C)

APPENDIX

PETITIONER(S) EXHIBITS

EXHIBIT P1: TRUE COPY OF THE REGISTRATION CERTIFICATE NO. KL-55-J-3415.

EXHIBIT P2: TRUE COPY OF THE MAHAZAR DATED 24.1.2012 ISSUED BY ADDL. TAHSILDAR, TIRUR.

EXHIBIT P3: TRUE COPY OF THE INTERIM ORDER PASSED IN W.P.(C)NO.11206/2009.

EXHIBIT P4: TRUE COPY OF THE INTERIM ORDER PASSED IN W.P.(C)NO.38246/10.

EXHIBIT P5: TRUE COPY OF THE INTERIM ORDER PASSED IN W.P.(C)no.7689/2011.

RESPONDENTS' EXHIBITS :- NIL

KRJ

/True Copy/
P.A to Judge

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.10821 of 2012

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Dated this the 18th day of March, 2015

JUDGMENT

The petitioner is the owner of a goods vehicle bearing Reg. No. KL-55-J-3415, which was seized by the first respondent under the provisions of the Kerala Minor Mineral Concession Rules, 1967 from the property of one Paramban Rasheed. The petitioner alleges that the respondent is not an authorized officer under the Mines and Minerals (Development and Regulation) Act or the Rules framed thereunder. Therefore, according to him, the seizure of the vehicle by the first respondent is illegal and beyond his jurisdiction. It is with this background, the petitioner has come up before this Court.

2. This Court, by interim order dated 4.5.2012, ordered release of the vehicle to the petitioner on condition that the petitioner should execute a bond in favour of the 2nd respondent agreeing and undertaking to produce the vehicle as and when called upon and that he would not alienate the said vehicle without the permission of this Court.

3. This Court is of the view that the writ petition can be disposed of permitting the petitioner to compound the offences. If the petitioner is ready to compound the offences, he shall file a compounding petition within a period of one month from the date of receipt of a copy of this judgment. After compounding the offences, the respondents 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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