

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936**

**WP(C).No. 9890 of 2013 (I)**  
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**PETITIONER(S) :**  
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**SAKEER, AGED 39 YEARS,  
S/O.SULAIMAN, PARATHAPOYIL HOUSE, MAYILAMPARA,  
KARULAI, MALAPPURAM DISTRICT,  
(REGISTERED OWNER OF A MINI LORRY BEARING REGISTRATION  
NO.KL-10AG/426).**

**BY ADV. SRI.BABU S. NAIR**

**RESPONDENT(S) :**  
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- 1. THE DISTRICT COLLECTOR,  
MALAPPURAM, PIN- 676 505.**
- 2. THE SUB COLLECTOR,  
PERINTHALMANNA, PIN- 679 322.**
- 3. THE SUB INSPECTOR OF POLICE,  
NILAMBUR POLICE STATION, MALAPPURAM DISTRICT, PIN- 676 121.**

**BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

Msd.

**WP(C).No. 9890 of 2013 (I)**  
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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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**EXHIBIT P1: TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY  
THE THIRD RESPONDENT DATED, 03.04.2013.**

**RESPONDENT(S)' EXHIBITS**  
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**NIL**

**//TRUE COPY//**

**P.S.TO JUDGE.**

Msd.

**A.V.RAMAKRISHNA PILLAI, J**

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WPC No.9890 of 2013  
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Dated this the 19<sup>th</sup> day of February, 2015

**JUDGMENT**

The petitioner is the registered owner of a Mini Lorry bearing Reg.No.KL-10AG/426, which was seized by the third respondent on 3.4.2013 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 petitioner alleges that the third respondent is not an authorized officer under the Mines and Minerals (Development and Regulation) Act or the Rules framed thereunder. Therefore, according to the petitioner, the seizure of the vehicle by the third 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 8.4.2013, ordered release of the vehicle to the petitioner on satisfaction of a sum of ₹25,000/- (Rupees twenty five

thousand only) before the concerned respondent/S.I. of Police and on executing a simple bond, undertaking to produce the vehicle as and when called for and that the vehicle will not be alienated or encumbered during the pendency of further proceedings.

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. In the event of filing such a compounding petition, the respondents shall appropriate the amount ordered to be deposited by the petitioner towards fine. 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**

css/

**true copy**

**P.S.TO JUDGE**