

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 9895 of 2013 (J)

PETITIONER:

**BABU, S/O. HAMEED, AGED 37 YEARS,
KUTTIKATTUCHALIL HOUSE, ADIMALY P.O.,
ADIMALY, IDUKKI DISTRICT - 685 561**

**BY ADVS.SRI.SAJEEVAN KURUKKUTTIYULLATHIL
SRI.RAVI KRISHNAN**

RESPONDENTS:

**1. THE DISTRICT COLLECTOR,
KOLLAM - 691 001.**

**2. SUB INSPECTOR OF POLICE,
KUNDARA, KOLLAM DISTRICT - 691 501.**

BY GOVERNMENT PLEADER, SRI. NOUSHAD THOTTATHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

WP(C).No. 9895 of 2013 (J)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 : THE COPY OF THE REGISTRATION DETAILS OF THE VEHICLE.

EXT.P2 : THE COPY OF THE INTERIM ORDER DATED 3-4-2009 IN WP(C) NO. 11206/2009 OF THIS HON'BLE COURT.

EXT.P3 : THE COPY OF THE INTERIM ORDER DATED 7-12-2011 IN WP(C) NO. 31828/2011 OF THIS HON'BLE COURT.

EXT.P4 : THE COPY OF THE INTERIM ORDER DATED 3-6-2011 IN WP(C) NO. 15058/2011 OF THIS HON'BLE COURT.

EXT.P5 : COPY OF THE INTERIM ORDER DATED 11-3-2011 IN WP(C) NO. 7689/2011 OF THIS HON'BLE COURT.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 9895 of 2013

Dated this the 4th day of February, 2015

J U D G M E N T

The petitioner is the owner of a Tipper Lorry bearing Reg.No.KL-40-B-3625. On 07.04.2013, the vehicle was seized by the 2nd respondent 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 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 petitioner, the seizure of the vehicle by the 2nd 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 08.04.2013, ordered release of the vehicle to the petitioner on satisfaction of a sum of ₹25,000/- (Rupees twenty five

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thousand only) before the concerned respondent 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.

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 the compounding petition, the respondents shall appropriate the amount deposited by the petitioner towards fine, to be paid by him. After compounding the offences, the 2nd 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

bka/-