

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C) .No. 9900 of 2013 (J)

PETITIONER(S) :

VIDHU.E.N. ,
AGED 35 YEARS, S/O. NARAYANANKUTTY,
8/518, ETHALIL HOUSE,
KONNATHADI, MANKUVA, T,
EDAKKIDOM.P.O., KOTTARAKKARA, KOLLAM.

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

RESPONDENT(S) :

1. THE DISTRICT COLLECTOR,,
KOLLAM - 691 501.
2. SUB INSPECTOR OF POLICE,
KUNDARA,
KOLLAM DISTRICT -691 001.

BY GOVERNMENT PLEADER SRI. SUNITHA VINOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT.P1 THE TRUE COPY OF THE REGISTRATION CERTIFICATE.
- EXT.P2 THE TRUE COPY OF THE INTERIM ORDER DATED 3-4-2009 IN WPC
NO. 11206/2009 OF THIS HON'BLE COURT.
- EXT.P3 THE TRUE COPY OF THE INTERIM ORDER DATED 7-12-2011 IN WPC
NO. 31828/2011 OF THIS HON'BLE COURT.
- EXT.P4 THE TRUE COPY OF THE INTERIM ORDER DATED 3-6-2011 IN WPC
NO. 15058/2011 OF THIS HON'BLE COURT.
- EXT.P5 THE TRUE COPY OF THE INTERIM ORDER DATED 11-3-11 IN WPC
NO. 7689/2011 OF THIS HON'BLE COURT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 9900 of 2013

Dated this the 23rd day of January, 2015

J U D G M E N T

The petitioner is the owner of a Tipper Lorry bearing Reg.No.KL-06-E-8186, which was seized 07.04.2013 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/-