

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 11033 of 2011 (D)

PETITIONER(S) :

- 1. SUDHEERKUMAR, AGED 42 YEARS,
S/O.C.V.NARAYANAN, CHUKKATH HOUSE, IRAVIMANGALAM P.O,
THRISSUR.**
- 2. C.B.ROLLY,
S/O.BABY, AGED 35 YEARS, CHITTATTUKARA HOUSE,
OLLUR P.O., THRISSUR DISTRICT.**

BY ADV. SRI.V.M.KRISHNAKUMAR

RESPONDENT(S) :

- 1. DEPUTY TAHSILDAR,
ALATHUR, PALAKKAD, PIN-678 541.**
- 2. DISTRICT COLLECTOR,
PALAKKAD, PIN-678 014.**
- 3. TREASURY OFFICER,
TREASURY OFFICE, PALAKKAD, PIN-678 014.**

BY SR.GOVERNMENT PLEADER SMT ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE MAHASAR PREPARED BY
THE 1ST RESPONDENT DATED 22.12.2010.**

**EXHIBIT P2: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE DISTRICT COLLECTOR DATED 18.01.2011.**

**EXHIBIT P3: TRUE COPY OF THE LETTER DATED 19.02.2011 ISSUED BY
THE DEPUTY TAHSILDAR.**

**EXHIBIT P4: TRUE COPY OF THE JUDGMENT IN W.P(C).NO.6156/2011
DATED 08.03.2011.**

**EXHIBIT P5: TRUE COPY OF THE ORDER NO.D2/2010/11708/9/100
DATED 21.03.2011.**

EXHIBIT P6: TRUE COPY OF THE ORDER NO.LRG6-2011/334/9 DATED 21.03.2011

**EXHIBIT P7: TRUE COPY OF THE CHALAN RECEIPT DATED 21.03.2011 ISSUED
TO 1ST PETITIONER.**

**EXHIBIT P7(A): TRUE COPY OF THE CHALAN RECEIPT DATED 21.03.2011
ISSUED TO 2ND PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.11033 of 2011

Dated this the 27th day of February, 2015

JUDGMENT

Vehicles bearing No.KL-8-AA-3377 and KL-11-N-9889 belonged to the petitioners were seized alleging offences under the MMDR/KMMC Rules. Pursuant to different rounds of litigation, the matter came to be considered by the District Collector, who passed Ext.P6 order dated 21.03.2011, whereby the offence was permitted to be compounded, Subject to satisfaction of Rs.25,000/- (Rupees Twenty five thousand only) each. The petitioners have produced Exts.P7/P7(a) receipts as to satisfaction of the said amount. It was thereafter that, they have approached by this Court by filing this writ petition seeking for refund of the said amount.

Heard the learned Government Pleader as well.

The second paragraph of Ext.P6 order dated 21.03.2011 reads as follows:

"The owner/possessor of the vehicles Shri. Sudheerkumar, S/o. Narayanan, Chukkath House, Eravimangalam, Thrissur was present and stated that there was no valid permit for Mining and transportation of manufactured sand in the vehicles when it were seized by the Deputy Tahsildar (H.Q.), Alathur on 22/12/2010. But for Mining and transportation of the ordinary sand, necessary permission under the MM(D&R) Act and KMMC Rules is required. So there is clear violation of KMMC Rules. The party requested for compounding of the offence."

From the above it is clear that, the petitioners had requested for permission to compound the offence by virtue of the enabling provisions under the statute and it was accordingly, that the matter was considered and the District Collector permitted them to compound the offence, so as to spare them from prosecution proceedings. Compounding fee was satisfied accordingly. This being the position, this Court finds that, there is absolutely no merit in the writ petition seeking for refund.

Interference is declined and the writ petition stands dismissed.

Sd/-

**P. R. RAMACHANDRA MENON,
JUDGE**