

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

**PRESENT:**

**THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON**

**THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936**

**WP(C).No. 10803 of 2013 (A)**  
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**PETITIONER(S):**  
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**PRASANNAKUMAR, AGED 37 YEARS  
S/O.GANGADHARAKURUPPU,  
CHARUVILA VEEDU, EDAKKIDOM P.O  
KOTTARAKKARA, KOLLAM.**

**BY ADVS.SRI.SAJEEVAN KURUKKUTTIYULLATHIL  
SRI.RAVI KRISHNAN  
SMT.SARITHA THOMAS**

**RESPONDENT(S):**  
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- 1. THE DISTRICT COLLECTOR  
KOLLAM 691001.**
- 2. SUB INSPECTOR OF POLICE  
KUNDARA, KOLLAM DISTRICT 691501.**

**BY GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26-02-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**PJ**

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- EXHIBIT P1    THE TRUE COPY OF THE REGISTRATION CERTIFICATE**
- EXHIBIT P2    THE TRUE COPY OF THE INTERIM ORDER DATED 3-4-2009 IN WPC NO  
11206/2009 OF THIS HON'BLE COURT**
- EXHIBIT P3    THE TRUE COPY OF THE INTERIM ORDER DATED 7-12-2011 IN WPC NO  
31828/2011 OF THIS HON'BLE COURT**
- EXHIBIT P4    THE TRUE COPY OF THE INTERIM ORDER DATED 3-6-2011 IN WPC NO  
15058/2011 OF THIS HON'BLE COURT**
- EXHIBIT P5    TRUE COPY OF THE INTERIM ORDER DATED 11-03-2011 IN WPC NO  
7689/2011 OF THIS HON'BLE COURT**

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

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**P.R. RAMACHANDRA MENON J.**

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Dated, this the 26<sup>th</sup> day of February, 2015

**JUDGMENT**

The vehicle bearing No. **KL 24D 9267** was seized by the **2<sup>nd</sup> respondent/S.I. of Police** alleging offence under the Mines and Mineral (Development and Regulation) Act and the Kerala Minor Mineral Concession Rules. The main ground of challenge is that, the respondent is not having the jurisdiction or authority to effect seizure.

2. Heard both the sides.

3. The authority of the **2<sup>nd</sup> respondent** to effect seizure has already been considered by this Court and the power and competence has been upheld as per the decision reported in **Aloshias C. Antony Vs. Government of Kerala** [2014(1) KLT 536]. The said decision was rendered, also taking note of the nature of offence which is a 'cognizable' one (notwithstanding anything contained in the Cr.P.C) as stipulated in Section 21(6) of MMDR Act, 1957 and also placing reliance on the judgment rendered by a Division Bench of this Court in **Construction Materials Movers Association V. State of Kerala** [2008 (4) KLT 909]. In the said circumstance, there is no tenable ground to call for interference.

4. When the matter came up for consideration on **12.04.2013**, the vehicle was caused to be released, **on satisfaction of a sum Rs.25,000/-** and **on execution of a simple bond**. In the said circumstance, the further course of action required is to surrender the vehicle before the 2<sup>nd</sup> respondent, so as to enable the 2<sup>nd</sup> respondent to produce it before the concerned Magistrate having jurisdiction over the area and to proceed with steps for prosecution, unless the offence is sought to be compounded.

5. The petitioner expresses desire to compound the offence by virtue of the enabling provisions under the relevant provisions of law. This Court finds it fit and proper to permit the petitioner to have the offence compounded on satisfying the compounding fee of Rs.25,000/-. The amount ordered to be paid as per the interim order dated **12.04.2013** shall be treated as compounding fee and offence shall be treated as compounded. Once the offence is compounded, no prosecution proceedings will lie in view of the law declared by this Court in **Digil Vs. Sub Inspector of Police** [2013 (1) KLT 600]. It shall be reported to the concerned Magistrate, if the crime has already been reported. If there is any failure in satisfying the compounding fee, the 2<sup>nd</sup> respondent shall pursue

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further steps in connection with the prosecution before the concerned Magistrate having jurisdiction over the area.

The writ petition is disposed of.

Sd/-

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

kmd