

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 16TH DAY OF MARCH 2015/25TH PHALGUNA, 1936

WP(C).No. 11815 of 2013 (B)

PETITIONER(S):

**ABOOBACKER,
S/O.MOIDEEN, MANNAKKARA HOUSE, ATHAVANAD.P.O.
MALAPPURAM DISTRICT,
PIN-676 310. (OWNER OF VEHICLE BEARING
REG.NO.KL-12/F-2413 - TIPPER LORRY).**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S):

**THE SUB INSPECTOR OF POLICE
VALANCHERRY POLICE STATION,
MALAPPURAM DISTRICT
PIN-676 552.**

BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

WP(C).No. 11815 of 2013 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE AGREEMENT DATED 22.11.2011.
- P2- TRUE COPY OF THE MAHAZAR PREPARED BY THE RESPONDENT DATED 30.4.2013.
- P3- TRUE PHOTOGRAPH OF THE VEHICLE.
- P4- TRUE COPY OF ORDER DATED 3.4.2009 IN WP[C]NO.11206/2009 OF THIS HON'BLE COURT.
- P5- TRUE COPY OF ORDER DATED 22.12.2010 IN WP[C]NO.38246/2010 OF THIS HON'BLE COURT.
- P6- TRUE COPY OF ORDER DATED 11.3.2011 IN WP[C]NO.7689/2011 OF THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V.RAMAKRISHNA PILLAI, J

WPC No.11815 of 2013

Dated this the 16th day of March, 2015

JUDGMENT

The petitioner is the driver of a Tipper Lorry bearing Reg.No.KL-12/F.2413, which was seized by the respondent on 30.4.2013 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 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 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 3.5.2013, ordered release of the vehicle within one week on condition that the petitioner should execute a bond in

favour of the respondent, that he should produce the vehicle as and when called for; and that he would not transfer or alienate the vehicle except with the permission of this Court.

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 respondent shall consider the same and after compounding the offences, the 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

css/

true copy

P.S.TO JUDGE