

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 15131 of 2012 (N)

PETITIONER(S) :

- 1. BIJESH N.P, S/O.KANARAN,
NELLOLIPARAMBATH, KIZHAKKUMURI P.O,
KAKKODI, KOZHIKKODE DISTRICT,
(REGISTERED OWNER OF A JCB
BEARING REGISTRATION NO.KL-11W/6237).**
- 2. RAVEENDRAN,
S/O.CHATHU NAIR, KUNNATHUPURATHOOT HOUSE, KAKKODI,
KOZHIKKODE DISTRICT, (REGISTERED OWNER OF A MINI LORRY
BEARING REGISTRATION NO.KL-11AK/6397).**

**BY ADVS.SRI.BABU S. NAIR
SMT.SMITHA BABU**

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR,
KOZHIKKODE, PIN-673 001.**
- 2. THE TAHSILDAR,
KOZHIKKODE, PIN-673 001.**
- 3. THE VILLAGE OFFICER,
CHELANNUR VILLAGE, KOZHIKKODE DISTRICT, PIN-673 616.**

BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTAHIL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

WP(C).No. 15131 of 2012 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE SEIZURE MAHAZAR PREPARED BY
THE THIRD RESPONDENT DATED 25-06-2012.**

**EXHIBIT P2: TRUE COPY OF THE INTERIM ORDER DATED 03-04-2009 IN
W.P.(C).NO.11206/2009 OF THIS HON'BLE COURT.**

**EXHIBIT P3: TRUE COPY OF THE INTERIM ORDER DATED 07-12-2011 IN
W.P.(C).NO.31828/2011 OF THIS HON'BLE COURT.**

**EXHIBIT P4: TRUE COPY OF THE INTERIM ORDER DATED 03-06-2011 IN
W.P.(C).NO.15058/2011 OF THIS HON'BLE COURT.**

**EXHIBIT P5: TRUE COPY OF THE INTERIM ORDER DATED 11-03-2011 IN
W.P.(C).NO.7689/2011 OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J.

= = = = =

W.P(C) No.15131 of 2012

= = = = =

Dated this the 18th day of March, 2015

JUDGMENT

The petitioners are the owners of an Excavator/JCB and a mini lorry bearing bearing Reg. Nos. KL-11 W-6237 and KL-11 AK-6397 which were seized by the 3rd respondent on 25.6.2012 under the provisions of the Kerala Minor Mineral Concession Rules, 1967. The vehicles were seized by the Village Officer at a time when a hillock was made suitable for the purpose of rubber cultivation at Chelannur. After seizing the vehicles, the 3rd respondent reported the matter to the 2nd respondent and the 2nd respondent in turn forwarded a report to the 1st respondent, who is the District Collector.

2. The petitioners allege that the 3rd respondent is not an authorized officer under the Mines and Minerals (Development and Regulation) Act or the Rules framed thereunder and he has no power to seize the vehicle under the provisions of the Kerala Minor Mineral Concession Rules, 1967. Therefore, according to the petitioners, the seizure of the vehicles by the 3rd respondent is

illegal and beyond his jurisdiction. It is with this background, the petitioner has come up before this Court.

3. This Court, by interim order dated 28.06.2012, directed the respondents to release the vehicles to the petitioners on executing a bond in favour of the 1st respondent and the petitioners would undertake that they would not transfer or alienate the vehicles except with the permission of this Court. It was further ordered that the petitioner would produce the vehicles as and when required.

4. Today when the matter came up for hearing the learned counsel for the petitioners submitted that the above order has been complied with. Therefore, this Court is of the view that the writ petition can be disposed of directing the respondents to compound the offence on an application by the petitioners within one month from the date of receipt of a copy of this judgment.

5. The question regarding the compounding of the offence is left open to be decided in appropriate proceedings.

The writ petition is disposed of as above.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

krj