

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 15292 of 2013 (J)

PETITIONER:

BINU.M.P., AGED 40 YEARS, S/O PARAMESWARAN,
KANJIRAMTHUNDIYIL, PARANTHAL P.O, ADOOR
(OWNER OF JCB EXCAVATOR BEARING REG.NO.KL-26-B-7568)

BY ADVS.SRI.T.P.PRADEEP
SRI.P.K.SATHEES KUMAR

RESPONDENTS:

SUB INSPECTOR OF POLICE
KODUMON POLICE STATION, PATHANAMTHITTA DISTRICT
PIN:691555.

R BY GOVERNMENT PLEADER SMT.SUNITHA VINOD

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

WP(C) .No. 15292 of 2013 (J)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE RELEVANT PAGES OF R.C.BOOK OF HTE JCB
EXCAVATOR BEARING REG.NO.KL-26-N-7568.

EXHIBIT P2: TRUE COPY OF THE FIR NO.503/2013 OF KODUMON POLICE STTION
DATED 14.6.2013.

RESPONDENT(S) ' EXHIBITS:NIL

TRUE COPY

PA TO JUDGE

SCL.

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C) No.15292 of 2013

Dated this the 2nd day of February, 2015.

JUDGMENT

The petitioner is the owner of a JCB Excavator bearing Reg.No.KL-26-B-7568. The vehicle was seized on 14.06.2013 by the respondent under Section 4 r/w 21 of the Kerala Minor Mineral Concession Rules, 1967, on the allegation that the vehicle was used for mining red earth as per Ext.P2 FIR. The petitioner alleges that the respondent is not an authorized officer specially empowered for seizure under Section 21(4) of 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 18.06.2013, ordered release of the vehicle bearing Reg.No.KL-26-B/7568 to the petitioner on satisfaction of a sum of ₹25,000/- (Rupees twenty five thousand only) before the concerned respondent/Sub Inspector of Police 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 respondent shall appropriate the amount deposited by the petitioner towards fine, to be paid by him. 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

Scl.