

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 12739 of 2015 (N)

PETITIONER(S):

RAVI

**S/O CHATHU, AGED 40 YEARS, VALIYACHALIL HOUSE, MANIYATTU P.O.
KANHANGAD KASARGODE
OWNER OF TIPPERS BEARING NO.KL-60-9679, KL-59-C-8342,
KL-60-9944**

BY ADV. SRI.S.SHAJAHAN (ADOOR)

RESPONDENT(S):

- 1. THR REVENUE DIVISIONAL OFFICER
KANHANGAD, KASARAGODE DISTRICT-671 315.**
- 2. THE VILLAGE OFFICER
CHERUVATHUR KASARAGODE-670 313.**
- 3. THE SUB INSPECTOR OF POLICE
CHANThERA KASARAGODE-671 310.**

*** ADDL. R4 IMPLEADED**

- 4. SENIOR GEOLOGIST, DEPARTMENT OF MINING AND GEOLOGY,
DISTRICT OFFICE, KASARAGODE**

R BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-08-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD

WP(C).No. 12739 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: TRUE COPY OF THE SAID SEIZURE MAHAZAR DATED 18.3.2015
PREPARED BY THE RESPONDENT.**

**EXHIBIT P2: THE TRUE COPY OF THE COMPOUNDING APPLICATION MADE BY THE
PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD

K.VINOD CHANDRAN, J.

W.P.(C).No.12739 of 2015

Dated this the 12th day of August, 2015

JUDGMENT

The petitioner in the above writ petition is aggrieved with the seizure of his vehicles for alleged commission of offence under the Kerala Minor Mineral Concession Rules 2015 (for short KMMC Rules) and Mines and Mineral (Development and Regulation) Act, 2015. The petitioner had made an application for compounding the offence under the KMMC Rules, 2015. This Court had, by way of an interim order dated 21.04.2015, directed that the petitioner's vehicles be released on payment of Rs.25,000/- each subject to further orders.

2. In a batch of writ petitions numbered as W.P (C) No.14605 of 2015 and connected cases, this Court has considered the aforesaid issue and directed the Government to bring appropriate amendments to the Rules so as to avoid the arbitrary exercise of the discretionary power, conferred on the authorities, under

the compounding provision. However, for the pending cases, this Court had directed that compounding to be effected on payment of Rs.50,000/- (Rupees fifty thousand only) as also double the amount of royalty and the price of the mineral illegally transported as determined by the Geologist on an assessment of the maximum quantity that could be transported in the goods vehicle which had been seized. The very same direction shall apply herein also, with respect to each of the vehicles. The petitioner shall produce the registration certificate of the vehicle before the Geologist-additional 4th respondent suo motu impleaded within two weeks, and if not the vehicle shall be liable for seizure. The additional 4th respondent shall determine the said amount and deduct the amounts paid by virtue of the interim order on production of the receipt of such payment. On payment of the aforesaid sums offence shall be compounded. The compounding made shall be marked in the registration certificate of the vehicles and communicated to the Motor Vehicle Department. If the petitioner does not comply with the

above order the vehicles shall be liable for seizure and the petitioner shall be liable to be prosecuted.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN
JUDGE

AD